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# CODICE A SBARRE

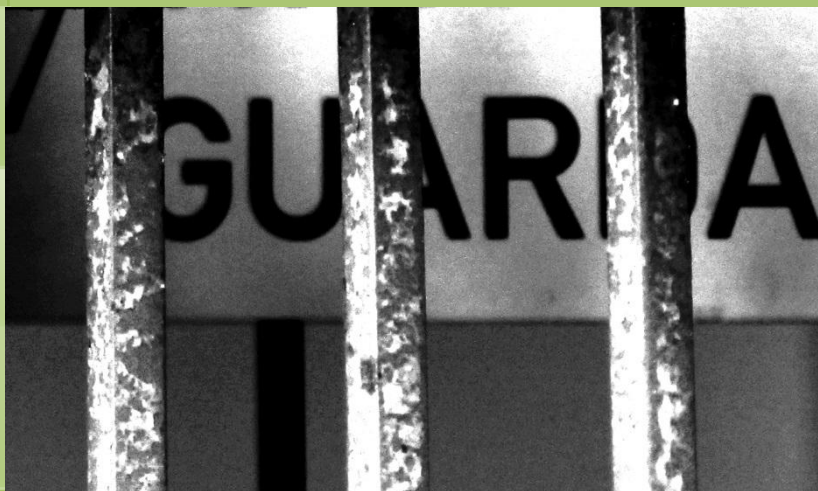
Minimum cultural luggage inside and outside  
the prison reality



Autonomous  
Province  
Trento

Councillor  
parity

Department of  
International  
Solidarity and  
Coexistence



CONFERENZA REGIONALE VOLONTARIATO GIUSTIZIA  
TRENTINO ALTO ADIGE



***Codice a Sbarre* - Bar(s) Code**  
**Minimum rules for the treatment of convicts,**  
**in and out of prison<sup>1</sup>.**

The first edition of the vademecum *Codice a Sbarre* has been highly praised. In the meantime, the law has changed and there have been adjustments in the way local services were organized; as a consequence of the above - mentioned factors, we have been prompted to revise and to edit the first edition of the handbook.

The current reissue would not have been possible without the *pro bono* work of *Avvocati per la Solidarietà di Trento e Rovereto*, a group of lawyers whose teamwork spawned the legal part of the vademecum. In particular, we would like to thank the following lawyers: avv. Nicola Canestrini, avv. Valentina Carollo, avv. Giovanni Guarini and avv. Chiara Pontalti); dott.ssa Rosina Cavallo managed the editing, the review of the files on the Provincia of Trento and the coordination of all volunteers as well as being in charge of all administrative duties, whereas the files on the Provincia Autonoma of Bolzano have been edited by Sabina Sedlak.

We would also like to thank dott. Piacentino Claudio (publishing) dott.ssa Elena Tomè for the graphic project; dott.ssa Irene Serangeli for the part about foreign inmates.

Again, we feel that all those aforementioned deserve our deepest gratitude for the effort and the dedication they pledged to the project, but above all for being so professional: without all your precious help we would not have been able to issue the vademecum at all.

Last but not least, we would like to give thanks in the name of all those who are in prison now or who have been in prison:

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<sup>1</sup>English version edited by avv. Irene Corn

we hope you will read *Codice a Sbarre* and most of all, that you will be able to take advantage from its implementation.

Finally, we would end this introduction by thanking the *Provincia di Trento* and its Equal Opportuniy Counsel, dott.ssa Lia Giovannazzi Beltrami, who supported us financially therefore allowing us to issue the vademecum.

A special thanks goes to the *Conferenza Regionale Volontariato Giustizia Liguria*, to dott. ssa Anna Grosso and Avvocato Marco Cafiero who waived the copyright use of their handbook “*Vademecum dell’assistente volontario nelle carceri*” and allowed us to partially reproduce it in the first issue of *Codice a Sbarre*.

Thank you all for your effort, your dedication, your passionate work.

*The President of the Conferenza Regionale Volontariato Giustizia - Trentino Alto Adige,*

MICHELE LARENTIS

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# CONSTITUTION OF THE ITALIAN REPUBLIC

## ART. 27

### ***Criminal responsibility is personal.***

*The defendant is not considered guilty until the final judgement is passed.*

*Punishment cannot consist in inhuman treatment and must aim at the rehabilitation of the convicted person.*

*Death penalty is not permitted, except in cases provided for under wartime military law*

## PENITENTIARY ORGANIZATION

### ART. 17

#### **Involvement of the community in the rehabilitative process of ex - convicts.**

The aim of social inclusion is meant to be fulfilled also by involving individuals, state organizations and NGO's in the rehabilitative process of both former convicts and secluded convicts.

*All those that are interested in taking part in the rehabilitative process of convicts and that mean to promote social inclusion of prisoners by establishing functional ties with the community may be admitted to the penitentiary facility.*

*However, they must be previously authorized by the surveillance judge and they have to obtain the approval of the director of the prison.*

### ART. 78

#### **Voluntary Assistants**

As long as there is the previous authorization of the surveillance judge on the matter, the prison administration can grant access to the correctional facility to personnel suited to assist convicts in the reintegration process and prior to their release; the authorized personnel can work there as long as they intend to enhance social inclusion and to provide moral support for in

mates during confinement.

Volunteers can take part to the organization of rehabilitative activities that are held in prison, and they are allowed to do that under the guidance of the prison director who is in charge of the coordination of all activities.

*Voluntary workers can cooperate with social services when dealing with offenders on probation or parole grants, and they are allowed to aid former interned convicts and their families as well.*

**PROTOCOL BETWEEN THE DEPARTMENT OF PENITENTIARY ADMINISTRATION –  
DIRECTORATE GENERAL FOR THE ENFORCEMENT  
OF CRIMINAL SENTENCES  
AND THE CONFERENZA NAZIONALE VOLONTARIA  
TO GIUSTIZIA  
(ABSTRACT)**

...given the relevance of voluntary work in the enforcement of criminal sentences, in cooperation with penitentiary personnel... both parties hereby agree to locally promote all projects, protocols, working arrangements or agreements that are suited to advance social inclusion of inmates previously admitted to alternative sentencing..

the parties also hereby declare and pledge to further the cooperation between volunteers and the correctional facility's personnel, as far as the administration of the Sportelli Informativi Integrati (SPIAI) goes, with reference both to the already existing offices and those that are about to be opened.

The parties agree to promote the planning and the implementation of professional refresher training courses held by Provveditorati Regionali dell'Amministrazione Penitenziaria and by Conferenze Regionali del Volontariato.



## ***Conferenza Regionale Volontariato e Giustizia - Trentino Alto Adige***

*Conferenza Regionale Volontariato e Giustizia*<sup>2</sup> was born in 2001 as a branch of the National Conference, thanks to the initiative of some relevant local agencies as: *TAS Onlus*, *APAS*, *Cooperativa Sociale Punto d'Incontro*, *Caritas*, *Comunità dei Frati di Cles*, *Cooperativa Sociale Girasole*, *Odòs di Bolzano e Seac* (penitentiary volunteers).

Henceforth, the association *AMA (Auto Mutuo Aiuto)*<sup>3</sup> and *Avvocati per la Solidarietà di Trento e Rovereto*<sup>4</sup> have been added to the supporters of the Regional Conference.

The main goals of the Regional Conference are the following:

- to aid inmates that are housed in correctional facilities in Trentino Alto Adige;
- to pursuit and eventually to accomplish social inclusion of former convicts.

*Conferenza Regionale Volontariato e Giustizia* supports a group of volunteers operating at the *Casa Circondariale di Trento*<sup>5</sup> in Via Cesare Beccaria, 13 - Spini di Gardolo, where both the male and female sections are held.

The above – mentioned correctional facility is hosted in a brand – new building, equipped with cutting – edge technology that has fostered an improvement with regard to the physical conditions of confined prisoners; despite the new facility, there are still on-going issues related to prison life to deal with, such as:

- exacerbation of the relations between prison personnell

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<sup>2</sup>Literally, Regional Conference for Voluntary Work and Justice – Trentino Alto Adige

<sup>3</sup>Literally, Self Mutual Help society

<sup>4</sup>Literally, Attorneys for the Solidarity

<sup>5</sup>The only correctional facility in Trentino County

and inmates;

- overcrowding (statistically speaking, the number of inmates does exceed the prison's maximum capacity);
- high turnover of inmates;
- inadequate number of guards in consideration of the prison population.

The complex reality of prison life has prompted the creation of a new office in Trento, called “*Sportello per i Familiari*” and managed by the *Conferenza Regionale Volontariato e Giustizia*, which is supposed to solve at least some of the most common problems. This office is hosted in the above – mentioned correctional facility in Trento and it is open three days a week (on Mondays, Wednesdays and Saturdays), during visiting hours.

The office is run by volunteers that perform the following tasks:

- they welcome visitors;
- in particular, they welcome and entertain minors that are visiting their parents in prison;
- providing help with the mandatory paperwork that has to be filled in when visiting an inmate;
- they can provide visitors with information about the existing rules on meetings and on gifts, supplies, money order that can be delivered to inmates;
- they provide general information when needed and they redirect visitors to local offices that can offer further aid and services.

The volunteers have been recruited after an extensive training, consisting in becoming acquainted with the prison system and in taking classes, held either by the prison personnel or by local associations, to organize rehabilitative activities in prison, with the ultimate aim of enhancing social inclusion of former convicts upon their release.

## **AT WHOM IS THE VADEMECUM AIMED?**

The present vademecum has been issued by The conferenza *Regionale Volontariato Giustizia (CRVG)* - *Trentino Alto Adige* as a guide both to inmates and their relatives when dealing with the multiple aspects of prison life; it has also been thought to be of help to social workers and parish volunteers in prison, ngo's and all those dealing with detainees on a regular basis.

The personnel of the CRVG has been dealing on a daily basis with convicts who are in need of information about the serving of their sentence and about the effect of prison on their social life after the release. The volunteers handle counseling tasks and help to prevent mental deterioration among prisoners; the volunteers organize activities in prison as well in order develop the social and professional skills of inmates, with the ultimate goal of prepping them for their re-entry into the society upon release.

What we do realize, however, as part of the CRVG is that despite our daily effort to promote our work, most citizens do not have a knowledge of what we do: that means that our association is known only among field experts. Therefore, this guide has been thought as a way to fill the gap of missing information on what the CRVG does.

In particular, since we are aware that the needs of prisoner are not easily and readily met, we would like to provide the reader with a comprehensive list of all the offices that do offer assistance to inmates and ex convicts.

The most difficult issue we have been facing, either when consulting with the families of the prisoners or when helping inmates in prison, is the lack of information detainees actually have about the trial proceeding. That is the reason why we decided to divide the vademecum in separate chapters and sections: this way the readers will be able to

find the piece of information they need more easily.

The first section offers a comprehensive knowledge of how correctional facilities work.

The second section is aimed at volunteers who want to become prison counselors or social workers in criminal justice setting, therefore engaging the incarcerated population in rehabilitative programs.

In the third section we decided to offer a comprehensive analysis of the criminal proceeding, starting with its early stage (i.e the charges and the arraignment), then the trial and the serving of the sentence; in doing so, we focused on all those subjects that play a significant role in the criminal proceeding (the defense attorney, the prosecutor and so on).

The fourth section is the result of a territorial survey, according to which all the offices offering assistance both to inmates, their relatives and former convicts are enlisted (more precisely under two different columns, one for the *Provincia di Trento* and the other for the *Provincia di Bolzano*).

## WHY VOLUNTARY WORK?

There are manifold reasons that may prompt a person to participate in voluntary work: those may vary from religious to ethical ones, like those grounded on lay morality and social commitment.

Still, why people decide to commit themselves to voluntary work? It is not our intention to debate on the subject extensively, especially because it would require an in-depth analysis that goes beyond the scope of the handbook at issue.

Many of the authors who contributed to the vademecum are or have been volunteers, henceforth we would like to start our survey on the reasons that might prompt people to choose the voluntary work path from our own experience in the field.

So, when we think of our work as volunteers, the first thought that comes to mind is not so much how hard we have been working as how many people we have had the chance to meet and how we have been able to learn from all of them.

According to us, what has just been said above could be the main reason (often ignored) that leads to voluntary work: that reason being that volunteers feel enriched by the experience of working for the community, for nothing but the sake of it, and that experience ends up being regarded as a prize itself. If we accept this theory, all the various motivations that may prompt volunteers to take part in voluntary work are no longer relevant since the *raison d'être* of voluntary work will lay in the process of spiritual enrichment that voluntary work can spark and that has to be valued as a gift *per se*.

Even the so-called *Legge Quadro sul Volontariato* (Law 266/91) has codified the relevance and the contribution of voluntary work in prison: most of all, the law has recognized the importance of voluntary work as performed collectively by a group of people and the social bonding that is therefore prompted.

Accordingly, we truly believe that volunteers do not just work in favor of a specific group but their work has rather to be regarded as a social commitment towards everyone: to summarize, it is our belief that voluntary work, if performed collectively, can prompt changes and it can provide solutions to social issues.

## WHY VOLUNTARY WORK IN PRISON?

Voluntary work in prison is not new. When we use the expression “*voluntary work in prison*”, we mean volunteers that work in prison, even if most of the associations we support operate from outside the prison by offering work placement services to former convicts and by supporting their reintegration into the community.

So, what is the *ratio* of working in prison and aiding inmates? What role do volunteers play there, according to the law?

There are a couple of law provisions that deal with voluntary work in prison: articles 17 e 78 of *Ordinamento Penitenziario* (L. 354/75) and the more specific articles 68 e 120 of D.P.R. 320/2000, the so-called “*Regolamento sull'Ordinamento Penitenziario*”<sup>6</sup>.

The aforementioned provisions allow volunteers to take part in all those activities “*that are either aimed at the enhancement of social inclusion of former convicts and secluded convicts or that are aimed to give moral support to inmates*” (art. 78). So, volunteers don not play a passive role in prison, according to the law: they work toward the goal of promoting social rehabilitation, and such a task is legally relevant as it falls under the umbrella of the article 27 of the Italian Constitution.

We could say that volunteers play the role of watchdogs for the enforcement of the Constitution in prison. It is a political role that they have been assigned to, and this role has been clearly stated even by the so-called *Legge Quadro n. 266/1991*, which allows NGO's voluntary workers to work in prison, alongside with prison personnel and governmental bodies. .

Once the relevant role played by volunteers in prison has been

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<sup>6</sup>Procedures governing imprisonment

cleared, we would like to move on to analyze: 1. firstly, what kind of assignments volunteers in prison are appointed to 2. secondly, how those assignments/tasks are expected to be performed.

To summarize, a survey showed that volunteers in prisons are assigned to the following tasks:

a) in the short term, they interact with inmates in order to offer them moral support; in the long term, they help former convicts to reintegrate into the community and to return, professionally, to the (legal) labor market without committing offenses after the release;

b) they improve the legal and administrative framework to facilitate social inclusion of the detainees; to do so, volunteers are required by the law to cooperate with the penitentiary staff and to work under surveillance of the Director of the prison when enacting prison programs designed to show to prisoners how to lead a responsible and crime-free life.

Nonetheless, volunteers should be independent when they perform their duties as they are expected to build a bond with the inmates. Truth be told, this type of task can only be fulfilled if volunteers are actually considered as outsiders by either inmates and prison staff. Because of their independent role, volunteers are the only ones to stand a chance at advising the Director on ongoing issues and most of all, at preventing and reporting abuses in prison in order to protect vulnerable target groups.

To work effectively, volunteers must be highly motivated as they deal both with inmates and prison personnel and such a role can have an impact on their personal life; moreover, they are required to be trained in the legal field or at least to be acquainted with standard legal proceedings.



Lastly, volunteers must prove to be good team players since they cooperate with NGO's and other penitentiary organizations when aiding inmates and former convicts.

c) Volunteers are required to promote the social inclusion of ex convicts by improving society awareness on the matter, especially by highlighting the need and importance of reintegration of former detainees.

With reference to the last task, it is essential that volunteers:

1. focus the attention of the local community on the activities held in prison;

2. advance proposals on behalf of the inmates they talk to and stand up for the rights of inmates by reporting abuses committed in prison.

So it is of utter importance that volunteers do engage the community in the activities they organize in prison, and they can reach that goal by creating a flow of information from the prison to the local community and vice versa. This implies that volunteers need to be constantly in touch with the media, also by organizing cultural projects or by turning in regular reports on what is happening in the penitentiary. The main aim is to raise social awareness around prison issue and at the same time, to develop a network of feasible social inclusion centers that are able to assist former convicts.

We truly hope that the vademecum will be regarded by its readers as a way to better comprehend all the multiple aspects of prison life: we tried to achieve this goal by using plain words, even if we are fully aware of the complexity of the whole prison experience.

Moreover, we do hope that the vademecum will be of any help to all those imprisoned and we do hope that they will find some comfort in knowing that we care.

## PART I. “PRISON PLANET”

### 1. The legal framework

Two laws that regulate the penitentiary system in Italy:

- the first one is the *Legge sull' Ordinamento Penitenziario* (L. 354/1975, henceforth O. P.)

It is a codified law that has repealed the previous statute on the matter, which dated back to 1931.

It introduces the concept of “re-education of the detainees”, which is mentioned also by art. 27 of the Constitution, and it institutes alternative sentencing (artt. 47 ss), home leave (art. 30 ter), and the possibility for convicts to be released on a temporary license in order to work outside the correctional facility (art. 21) among other things;

- the subsidiary *Regolamento di Esecuzione* (D.P.R. 320 /2000, henceforth R.E.).

This law was passed in September 2000; it has spawned changes in the way correctional facilities are being organized.

We believe it is quite important to have a very good knowledge of the above- mentioned laws since they define the general principles governing imprisonment, on which all the following codified laws are based.

The subsequent laws we mentioned are the following:

- ***Legge Gozzini*** (L. 663/86)

This law initially broadened the array of alternative sentencing that had been first created by the O.P law. However, in '91-'92 the Parliament decided to narrow the application of non – custodial sentences in the effort to counter organized crime, with the result that such measures are not being granted easily nowadays.

- ***Legge Simeoni – Saraceni*** (L. 165/98)

This law has been passed in 1998; it allows detainees that have been sentenced to less than six years in prison or that are half way through their sentence but still have to serve less than six years to be granted alternative measures to incarceration.

- ***Legge Smuraglia*** (L. 193/2000)

It has been enacted in 2000; it provides tax benefits to all companies that decide to employ detainees (either to work from prison or to work outside the correctional facility under a temporary release license) or former convicts (up to six months after their release).

- ***D.P.R. 309/1990***

Either called “testo unico” (which means a comprehensive codified law) on substance abuse, it regulates all the crimes related to classified illegal substances.

It states that penitentiary staff are required to take measures against the potential spread of hiv – related/ communicable diseases in prison. Prison personnel are also required to provide adequate health care for addicted inmates, including medical treatment, rehabilitation and services aimed at improving social inclusion. Art. 94 f the law states that addicted detainees can be admitted to probation on special grounds.

- ***Immigration law***

The D.Lgs. 286/1998 (“L. Napolitano Turco”) had partially repealed the so - called "legge Martelli", enforced from 1991 to 1998: however, the aforementioned law (D.Lgs. 286/1998) has been modified by a new law enacted in 2002 ( the n. 184/2002 or so-called “L. Bossi Fini”) that introduced removal of foreign convicted offenders as an alternative measure to custody, but only in case of a sentencing to less than two years of detention.

- ***Legge ex Cirielli*** (L. 251 /2005)

This law has modified some of provisions of the Criminal Code (Codice Penale) and of the O.P law by diminishing the amount of time needed to invoke the statute of limitations; however, it has increased the severity of sentencing in case of recidivism.

- ***Legge Alfano (a law aimed at reducing the number of inmates/ prison population)*** (L. 199/2012)

This recently-passed law has increased the possibility to grant house arrest to detainees who have up to eighteen months left to serve in prison. Prior to this law, detainees could have been granted house arrest only if they had less than a year left to serve.

House arrest has been introduced by law n. 199/2010.

## 2. Correctional facilities

Different kinds of correctional facilities are employed in Italy according to the type of custodial sentencing to fulfill.

The facilities may also differ with reference to the subjects serving time there (defendants awaiting trial and subjected to arrest, convicted felons and so on) or with reference to how many years are to be served in prison. Here is a brief description:

### A. *Incarceration*

- *Case circondariali*<sup>7</sup>

Where all suspects in custody are housed while awaiting trial; case circondariali also host defendants who have to serve up to five years in prison (and even if the initial sentencing was longer).

- *Case di reclusione*<sup>8</sup>

Where convicted offenders serving life sentences or serving sentences longer than five year are housed.

**B. *Istituti per l'esecuzione delle misure di sicurezza*** (facilities where detainees that have been declared socially dangerous are housed while on remand):

- *case di cura e di custodia* (where precautionary measures for mentally – ill suspects are carried on);
- *ospedale psichiatrico giudiziario*<sup>9</sup>: it is a hybrid between a correctional facility and a psychiatric ward for the custodial sentencing of mentally – ill convicted felons;
- *colonie agricole e case di lavoro*<sup>10</sup>: where security measures for those that are in custody and that have been deemed

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<sup>7</sup> Jail

<sup>8</sup> Correctional facility

<sup>9</sup> Literally, a penitentiary asylum

<sup>10</sup> Literally, prison - run farms and work houses

as recidivist are carried on.

The Regione<sup>11</sup> Trentino hosts a recently-built correctional facility, where both the male and female section are available.

➤ **Trento** *Via Cesare Beccaria,13- Loc. Spini di Gardolo, 38014 TN*

**Tel:** 0461/969101 **Fax:** 0461/969191

Alto Adige – Sued Tyrol County hosts a jail where only the male section is available.

➤ **Bolzano** *Via Dante,28 a - 39100 BZ*

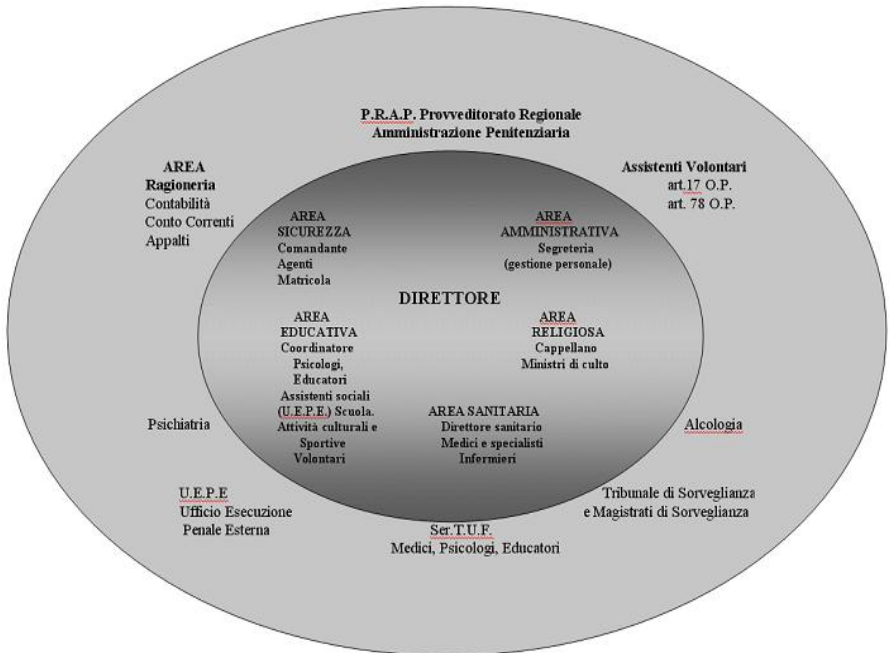
**Tel:** 0471/976729 **Fax:** 0471/982362

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<sup>11</sup> Italy is divided into regions, i.e autonomous entities with powers defined in the Constitution that act as first-level administrative divisions. There are twenty regions, and each region is divided into provinces.

### 3. Penitentiary organization

**P.R.A.P. PROVVEDITORATO REGIONALE**  
**AMMINISTRAZIONE PENITENZIARIA (REGIONAL**  
**AUTHORITY FOR THE ADMINISTRATION OF CORRECTIONAL**  
**FACILITIES)**



#### 4. UEPE (Uffici di Esecuzione Penale Esterna)<sup>12</sup>

UEPE offices (formerly known as CSSA) are intended to serve as a medium for the exchange of information between the correctional facilities and the community, as they aim to facilitate the transition of former convicts to the community.

<sup>12</sup> Literally, offices for the external enforcement of the judgment/sentence

They are placed under the authority of the P.R.A.P. (Provveditorato Regionale dell'Amministrazione Penitenziaria<sup>13</sup>).

UEPE assistants, if required by the Director of the prison, can advise inmates on the ways to prepare for their re-entry into the community; they also assist convicts that have been admitted to non – custodial sentencing.

While performing such task, UEPE assistants are required to cooperate with the local institutions and with social services, as well as with all the NGO's and the volunteers in the field.

UEPE (ex CSSA) offices are instituted to follow up on convicts that have been admitted to non – custodial sentencing or that have been released on probation and parole, working in what has been known as “alternative (as to prison) criminal setting”(or “*area penale esterna*”).

UEPE's first duty is to provide the surveillance judges with jurisdiction over a case with information on whether the offender is meeting the requirement for non – custodial sentencing. To do so, UEPE assistants can evaluate the behavior of the defendant prior to imprisonment, if he is free, (so called “*osservazione dall'esterno*”), or during the incarceration if already in custody (so called “*osservazione intramuraria*”).

The UEPE assistants also make sure that alternative measures to detention (such as parole, probation, house arrest and so on) are being implemented in accordance with the law: as a side task to that, they report the progress made to the surveillance judges on a regular basis. Needless to say, when drawing up their own drafts on detainees, the UEPE assistants shall take into account the reports filed by NGOs and social services working in prison.

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<sup>13</sup> Literally, Regional Authority For The Administration Of Correctional Facilities



## 5. Penitentiary staff

When talking about volunteers in prison, we should bear in mind that volunteers cooperate with penitentiary personnel, which is actually divided into different ranks playing different roles. Here is a brief description of what prison personnel usually looks like:

- **The Correctional Administrator or Director**

The correctional administrator has responsibility for system-wide operations, management and security, as well as supervising all the penitentiary corporate bodies (Equipe, Internal Affairs, Library Commission) and authorizing inmates to work outside the facility (art. 21 O.P.).

- **Prison Guards**

They are divided into different ranks as agent, assistant, superintendent, inspector and warden (Agente, Assistente, Sovrintendente, Ispettore e Commissario): they safeguard law and order in prison as well as being in charge of security issues, including supervising all the activities aimed at advancing social inclusion of convicts upon release.

- ***G.O.T. - Gruppo di Osservazione e Trattamento*<sup>14</sup>**

The Observation and Treatment Unit is a corporate body comprehensive of the director of the prison, an educationalist, an assistant from social services, a psychologist, a doctor and penitentiary administrative staff.

The treatment unit observes the behavior and the personality of each detainee in order to form a comprehensive file (called *relazione di sintesi*<sup>15</sup>), upon which an individualized program of reintegration into the community upon release is developed.

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<sup>14</sup>Literally, Observation and Treatment Unit

<sup>15</sup>Literally, abstract

The G.O.T. is a different corporate body that is required to gather information on the detainees in order to prep the treatment unit: they can draft their reports also by relying on what teachers, cultural mediators and volunteer working in prison account for.

- **Teaching professionals**

They can arrange, organize and coordinate all the following activities: education, work placement, cultural projects, recreational and sports activities, **vocational and job readiness - training.**

They cooperate with the penitentiary staff and are members of the Observation and Treatment Unit.

- **Psychologists**

Their job is to observe the detainees in prison in order to evaluate their personalities and in order to draw up an individualized rehabilitative program according to the prisoner's needs.

They take part in the organization of the activities lead by Observation and Treatment Unit's as well.

- **Social assistants**

They are part of the UEPE offices and part of the Observation and Treatment Unit as well.

- **Doctors**

They are in charge of the health care - unit and assess the needs of inmates upon arrival, with the assistance of a medical team. They can prescribe specific examinations and also allow the treatment of medical and health problems outside the correctional facility.

Health care assistance in prison is now of exclusive competence of the National Health Service (ASL).

- **Unit for the treatment of addicted detainees** (in Alto Adige, HANDS)

The unit *Servizio Dipendenze and Servizio Alcologia* (HANDS) take care of inmates that suffer from substance abuse/ addiction by leading rehab programs and offering medical care. This unit can rely on in-house medical crews that can issue medical prescriptions and/or methadone, on a psychologist (part of the NHS), on social assistants and teachers for its purposes.

- **Prison chaplain and other ministers of religion**

They provide inmates with spiritual and religious assistance.

- **Teachers and tutors**

They develop appropriate rehabilitative and vocational programming for the detainees; they lead additional educational programs that are designed to meet the individual needs of prisoners, for instance by offering high school equivalency classes, post-secondary education, apprenticeships and similar programs, in order to facilitate the prisoner's re-

entry into the workforce upon release.

- ***Magistrato di Sorveglianza*<sup>16</sup>**

The surveillance judge is a single judge dealing with all matters related to the treatment of the detainees. He is in charge of the fulfillment of both custodial and non custodial ("area penale esterna") sentences.

He has jurisdiction over special permits for emergency reason (art. 30 O.P.), benefits (art. 30 ter O.P.) and early release (art. 54 O.P.).

- ***Il Tribunale di Sorveglianza*<sup>17</sup>**

Surveillance court is a panel of four members: two surveillance judges and two lay judges chosen between experts in psychology, social services, education, psychiatry and clinical criminology.

It is in charge of granting/revoking alternative sentencing, sealing of someone's record (known in Italy as riabilitazione) and it can grant debt forgiveness (money the defendant owe to the State due to trial and imprisonment).

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<sup>16</sup>Literally, surveillance judge

<sup>17</sup> Literally, surveillance court

## 6. Restrictions to freedom/ imprisonment

Inmates are divided into different categories according to their legal status. It is of utter importance to be aware of such categorization, as the application of penitentiary rules may depend on the status of the prisoner, for instance with regard to access to telephones or visiting.

Prisoners subject to custodial sentencing are divided into the following categories:

- *Internati*<sup>18</sup>: all those subjected to security measures in custody (*Ospedale Psichiatrico Giudiziario*, and so on);
- *detenuti*<sup>19</sup>, as in:
  - *indagati*<sup>20</sup>: in the pretrial stage of a criminal investigation, *indagati* are the ones that have not been charged yet but are the subjects of an on-going investigation.
  - *imputati*<sup>21</sup>: those that have been charged with a criminal offence and are facing trial; they may or may not be in custody but they have not been sentenced yet;
  - *appellanti*: defendants who have been sentenced by a Trial court but can still promote an appeal;
  - *ricorrenti*: defendants who lost the appeal judgment and therefore decided to promote a new trial in front of the court of last resort (in Italy known as *Corte di Cassazione*);
  - *condannati, o definitivi*: defendants whose sentence is *res iudicata*: the ruling is not only final, but also irrevocable and unappealable, so criminal punishment can be imposed on them. They are declared “guilty as charged” and are the potential recipients of

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<sup>18</sup> Literally, secluded prisoners housed in an asylum

<sup>19</sup> Literally, detainees

<sup>20</sup> Literally, the subjects of an on-going investigation

<sup>21</sup> Literally, defendants

rehabilitative projects.

## **PART II. VOLUNTARY ASSISTANTS IN PRISON**

### **1. Which is the role that volunteers/ voluntary assistants play in prison.**

Volunteers/ voluntary assistants play their role in prison in accordance with articles 17 and 78 of the O.P Law.

Art. 17: Involvement of the community in the rehabilitating process of convicts.

This provision – that now falls under article 68 R.E. - promotes "the *involvement of individuals, state organizations and ngo's in the rehabilitative process of convicts prior to their release*": the provision aims at promoting social re-entry and reintegration of those about to leave prison (inmates and secluded inmates).

The above-mentioned provision recognizes the effective role that people from outside prison (like social assistants and volunteers) play in the reintegration of ex - convicts and in establishing functional ties between inmates and the communities.

Under art. 17 O.P. volunteers organize recreational, educational and training group activities in prison. Some of those activities (like the organization of a concert or of a sport match, the set up of a library) can be arranged for entertaining purposes, while others, such the hiring of private teacher in addition to the school lectures collectively held in prison, are intended to be for educational purposes.

Other types of services, as the ones offered by the “sportello” involving legal advising (also on immigration law) and employment counseling, have been considered to fall under the umbrella of art. 17.

All the activities arranged in prison by the volunteers are aimed at encouraging socialization among inmates and they can be understood as a way to address social issues as well as the needs of the penitentiary population. All the aforesaid activities do require strong organizational skills and competence, therefore are meant to be carried on mainly by ngo's that have an adequate numbers of volunteers.

Teachers and teaching professionals in prison are also required to cooperate with volunteers when organizing social activities; however, for security reasons volunteers must be supervised by both educators and the penitentiary personnel (especially guards) when performing activities as such.

The approval of the surveillance judge is required prior to the organization of any social activities in prison: an admission form has to be filled out by the volunteers, who are in charge of turning in also an abstract of the project they have in mind. The director of the correctional facility will later value the benefits of the project and eventually approve it.

*Art. 78: Voluntary assistants*

This provision – that now falls under article 120 R.E. - allows voluntary assistants to provide moral support for the prisoners, to arrange **re-entry plans for convicts and to cooperate to the organization of social activities in prison.**

Volunteers are not uncommon in prison: they rather offer continuous assistance to the penitentiary population.

Voluntary assistants can cooperate with UEPE officials or prison volunteers when assisting convicts that have been granted house arrest or alternative sentencing but they have to attend a training course first.



Voluntary assistants that would like to be assigned to UEPE offices are required to file a request and address it to the director of the correctional facility or the chief executive of the UEPA offices: they will promptly transmit the request to the P.R.A.P office that has competence on the decision.

The selected voluntary assistants will be provided with a badge to access the correctional facility in accordance with art. 78.

## PARTE III. CRIMINAL PROCEDURE: AN IN-DEPTH ANALYSIS

### 1. TRIAL PROCEEDING – ON THE MERIT OF A CRIMINAL CASE

#### *a) The investigative phase*

Generally speaking, the investigative phase is the first step of the criminal justice process: before a defendant is formally accused of an offense, his or her name is added to a record that is kept by prosecutors.

Obviously, no criminal justice process can assume an adversarial form in its initial stage, so the investigation of a suspect (whose name is added to a sealed record kept by the prosecutor) happens secretly. At this stage, the suspect acquires the legal status of “*indagato or persona sottoposta alle indagini*”. He becomes a defendant (*imputato*) only after the arraignment, that in Italy is held in front of a judge called *Giudice delle Indagini Preliminari (GIP)*.

On trial, the defendant will interact with the following subjects of the criminal justice field:

#### *b) L'avvocato difensore<sup>22</sup>*

Defendants can hire their own defense attorney of choice (*difensore di fiducia*). A court - appointed attorney will be provided to those defendants that are not able to hire a chosen attorney themselves (for instance, because they are in custody). The Constitution clearly states that the right to counsel is fundamental; thereof, any defendant must be provided with a lawyer when undergoing a criminal trial since defendants in Italy are not allowed to stand in front of a judge without being counseled by a lawyer. Defendants who are unable to afford counsel are advised of their right to a court-appointed attorney.

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<sup>22</sup> Literally, defense attorney

Defendants provided with a court – appointed attorney<sup>23</sup> are still free to hire their own attorney of choice and the lawyer appointed *ex officio* will no longer be endorsed. As a general rule anyway, defendants can retain up to two attorneys of choice.

Defendants in custody are highly advised to notify the appointed attorney by telegram, as they cannot notify them in person.

Defendants are always required to compensate their lawyers for their legal services; therefore, no exception shall be made for defendants that have been provided with court-appointed attorneys, which have to be compensated as well.

Defendants unable to afford counseling can be admitted to the so-called *patrocinio a spese dello Stato*<sup>24</sup> but only if specific requirements are met; the requirements are enlisted under articles 74 and further of the law D. Lgs. 115/2002 (the so-called *Testo Unico Spese di Giustizia*).

However, defendants who have been granted *patrocinio a spese dello Stato* can still hire their attorney of choice.

Once admitted to free counseling, defendants **are not required to pay for the legal services performed by the attorney, or at least for those legal services performed after the admission to free counseling since *gratuito patrocinio* covers all trial cost after admission.**

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<sup>23</sup> Literally, difensore d'ufficio or *ex officio*

<sup>24</sup> Or *gratuito patrocinio*, which means free counseling and representation on trial.

Free counseling and representation on trial is granted both to Italian citizens and immigrants, including foreign minors, underage defendants and stateless citizens but only as long as they reside in Italy.

Defendants that have declared a taxable income up to € 10.766,13 in the last year (inclusive of all taxable incomes, like pensions or earned incomes) are eligible for free counseling and representation (both on criminal and civil matters). The ceiling of € 10.766,13 refers to the individual income tax return of the year 2012, and is subjected to a two- year revaluation.

For criminal proceedings, the ceiling of € 10.766,13 is increased of €1.032,91 per family member residing with the defendant; the income of live-in family members has to be added to the income declared by the defendant (for instance, if the defendant has a live -in partner, the ceiling to be admitted to free counseling is € 10.766,13 + 1.032,91 = 11.799,04).

In case a defendant would like to retain more than just one attorney of choice, free counseling and representation on trial cannot be granted; same goes for defendants that are on trial for or that have been previously convicted for financial crimes such as tax evasion.

A request must be filed by the defendant in order to be granted free counseling and representation on trial: for criminal proceedings, the request must be filed at the Register Office of the judge in charge (*Cancelleria del Giudice*) or at hearings; if the defendant is in custody, the request can be filed at the office of the director of the correctional facility; in case of defendants on house arrest or detained in rehab facilities, the request can be filed out at the nearest law enforcement agency (*Ufficiale di Polizia Giudiziaria*).

Whereas Italian and EU - citizens can self - certify their incomes in order to be admitted to free counseling and representation on trial, non – EU citizens are required to enclose a statement of the Consulate of their own country endorsing their claim. Non EU – citizens are allowed to self certify their incomes only if it has been proved impossible for the Consulate to assess their claims.

It falls on the defense attorney or on the family of a defendant in custody to file the documents necessary to be admitted to free counseling within 2 days from the filing of the request in first place .

Defendants will be required to choose their attorney from a list that has been prepared in advance by the Government in cooperation with the local bar association (called “*elenco degli avvocati per il patrocinio a spese dello Stato*”) if they are granted free counseling and representation.

Having been granted free counseling and representation on trial, defendants shall not pay for the legal services of their attorney of choice as long as there are no variation in their declared incomes, as the lawyers' fees and expenses will be covered by the State. Any increase in defendant's income must be declared though: failure to do so as well as any false or neglected statement on the subject will be punished with a minimum of one and up to eight months of imprisonment, together with a fine ranging from a € 309,87 to € 1.549,37; in addition to that, defendants will be required to pay back the sum granted by the State and payed on his or her behalf to the attorney.

Defendants in custody must be clearly informed of their right to remain silent prior to interrogation; again, defendants must be clearly informed that they have the right to consult with an attorney and that they have the right to have an attorney present during questioning; in case they are indigent, they must be informed that they will be provided with an

attorney to represent them at no cost.

There is an exception to what has just been stated above, being that on emergency ground prosecutors are allowed to prevent the person in custody from consulting with an attorney for a maximum of five days.

### ***c) Il Pubblico Ministero***<sup>25</sup>

The prosecutor is a magistrate who represents the government in the prosecution of criminal offenses. The role of prosecutors generally includes management of the investigative activities and the prosecution of crimes within the jurisdiction. Prosecutors oversee law enforcement agencies (*Polizia Giudiziaria*, which consist of *Carabinieri*, *Polizia*, *Guardia di Finanza*..) when investigating criminal offenses.

According the Italian code of criminal procedure, the prosecutor shall operate impartially when investigating a case, therefore by looking for evidence against and “*in favor of the defendant*” (art. 358 c.p.p.), including those that might lead to an acquittal.

### ***d) Il Giudice per le Indagini Preliminari***<sup>26</sup>

The GIP judge is the magistrate who is responsible for the initial stage of the criminal proceeding: in particular, the GIP supervises the investigations (including the decisions of the Pubblico Ministero, when the personal rights of the indagato are at stake) and plays an impartial between the prosecution and the defense by ensuring that there will be no infringements of the defendant's rights.

The GIP intervenes in exceptional cases when the restriction of the defendant's fundamental right to freedom is requested by the prosecutor: de jure, it falls on the GIP judge to grant all kind of precautionary measures (*misure di sicurezza*) during

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<sup>25</sup>The prosecutor or abbreviated, *PM*

<sup>26</sup>*GIP* or judge for the preliminary investigations

the preliminary investigations or immediately afterwards. *Misure di sicurezza* can consist in real measures as well as coercive and interdictive ones and they can only be granted in order to protect the gathering of evidence, to prevent the escape of the defendant/suspect or to prevent the suspect from committing further crimes.

The GIP judge may authorize law enforcement agencies to use wiretapping and bugs to intercept communications (including those on the web and on a laptop) for a fixed amount of time during the investigation; the judge decides on all motions filed either by the prosecution or the defense (such as motion for an extension, the subsiding or the overruling of precautionary measures).

#### **e) *Il Giudice per l'Udienza Preliminare***<sup>27</sup>

The Gup judge is a different magistrate from the Gip judge presiding the preliminary hearing, where the *Pubblico Ministero* can present all the evidence gathered so far on the case, whilst the defense is given the chance to argue his case.

Firstly, the prosecutor summons the defendant to appear before the judge of the preliminary hearing by issuing what is referred to as *richiesta di rinvio a giudizio*.

At the end of the preliminary hearing, it is up to the GUP to decide whether the defendant should be indicted (therefore facing trial) or be acquitted (since the evidence gathered so far would not be enough to justify a guilty verdict).

Defendants that have been charged with misdemeanor/minor offenses can request to be admitted to expedited trial<sup>28</sup> at the preliminary hearing or they can agree on a punishment/penalty but without formally pleading

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<sup>27</sup> GUP or judge of the preliminary hearing

<sup>28</sup>literally, *giudizio abbreviato*, where a judgment is made base investigative files

guilty.<sup>29</sup>

**f) Restrictions to personal freedom**

If the following requirements are met, during preliminary investigations personal freedom of the defendant/ suspect can be lawfully restrained by precautionary coercive measures<sup>30</sup> that can either be taken by the police or requested by the prosecutor and allowed by the GIP Judge by decree:

1. the police can arrest a suspect while flagrantly committing a crime<sup>31</sup>; if that is not the case, the suspect can still get arrested at the request of law enforcement agencies or at the request of the prosecutor if there is a reasonable chance that the suspect is going to flee<sup>32</sup> ;

2. otherwise, in the following cases it falls on the Prosecutor to request the GIP Judge for a motion to put the suspect in custody:

– *arresto in flagranza*: law enforcement agencies are authorized to arrest the suspect (*indagato*) while committing a crime or immediately after having committed a crime;

– *fermo di persona indiziata di delitto*: if there is a reasonable doubt that the suspect is going to flee, law enforcement agencies (*Polizia Giudiziaria*) are thereby authorized to arrest a suspect on their own initiative or after obtaining a decree from the prosecutor; however, the arrest has to be later endorsed by a judge to be legit.

– *ordinanza applicativa di una misura cautelare*: pending trial and after the interrogation of the suspect, the GIP judge can order custody in jail or any other coercive measure

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<sup>29</sup> *Applicazione della pena or patteggiamento*, literally application of punishment at the request of the parties.

<sup>30</sup> In short, in Italy precautionary measures are used to describe all kind of legitimate pre-trial detention.

<sup>31</sup> so - called *arresto in flagranza*

<sup>32</sup> so-called *fermo di indiziato di delitto*



es at the request of the Prosecutor, given that probable cause has been established: more specifically,

1. there must be inculpatory evidence **and/or**
2. there must be a reasonable doubt that the suspect is going either to escape arrest/imprisonment, to commit further crimes or to destroy evidence; in case of felonies/ indictable offenses, the GIP judge can grant custody in jail if that looks like the only mean to avoid the aforementioned harms to the ongoing investigations. However, the judge can grant house arrest if the suspect proves in writing to have a suitable place or any other less severe coercive measure such as *obbligo di presentazione alla P.G., il divieto o l'obbligo di dimora, il divieto di espatrio*.<sup>33</sup>

#### **g) *L'udienza di convalida* - hearing for the endorsement of precautionary measures**

Once a suspect has been arrested by the police while committing a crime (what Italians refer to as *flagranza di reato*) or on the ground of probable cause and reasonable doubt (i.e., the suspect is going to escape arrest/imprisonment, to commit further crimes or to destroy evidence), the prosecutor is required to interrogate the arrested suspect within 24 hours; if the prosecutor reckons that there is no legal ground to validate the arrest, the suspect must be released; otherwise, the prosecutor files a request to the GIP judge to endorse the legitimacy of the arrest.

At this point, the GIP judge is required by the law to schedule a hearing, which has to happen within 48 hours from the request of the prosecutor, in order to decide whether to endorse the arrest or not: this way, the law provides that the hearing happens within a maximum of 96 hours since the arrest.

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<sup>33</sup> Literally, duty to present oneself to the nearest police station on given days, prohibition or duty to dwell in a given place, prohibition to leave the country.

The suspect has the right to counsel, therefore the presence of the defense attorney is requested at the hearing: if the judge states that the arrest has been made lawfully, the suspect remains in custody, but only if the prosecutor has filed a motion for the application of coercive precautionary measures.

However, the law states that the suspect has the right to remain silent when questioned by the police or by the prosecutor or without consequences.

Regardless of the legitimacy of the arrest, the following decisions can still be imposed on the suspect at the end of the *udienza di convalida*:

- precautionary measures as requested by the prosecution can be granted by the GIP judge if they are deemed as necessary; the judge still hears the defense's argument on the point. Anyway, the judge cannot, under any circumstances, grant custodial precautionary measures if those were not expressly requested by the prosecution;

- if there is neither probable cause or reasonable doubt to justify the application of precautionary measures, the judge sets free the suspect (for the time being);

- no precautionary measures shall be allowed if it is foreseeable that the trial will end with a suspended sentence (i.e. in case of defendants older than 21 that have been convicted for minor offenses/misdemeanor punished with imprisonment up to 2 years).

- Please bear in mind that custodial precautionary measures are never allowed in the following cases:

- a) the suspect is pregnant or she is the mother of a child younger than 3 years old;

- b) the suspect is older than 70 years old;

- c) the suspect suffers from diseases or pathologies that are not compatible with imprisonment (including AIDS);

- d) the suspect is the father of a 3-year-old

d or of a younger child whose mother has either passed away or she is not able to provide for the child's needs.

If custodial precautionary measures have been granted by the judge, the GIP Judge is additionally required to interrogate the suspect within five days from his/her apprehension and before implementing the measure.

#### **h) *Misure cautelari* (Precautionary measures)**

Precautionary measures allowed by the judge at the request of the prosecutor are meant to prevent the following:

- the escape of the suspect;
- harm to the gathering of evidence;
- the perpetration of further crimes by the suspect: when dealing with addicted suspects, this is the main legal ground prosecutors rely on when requesting the application of precautionary measures.

Custodial precautionary measures are:

- *Custodia cautelare in carcere* (pre-trial detention): it is the most severe of all the custodial precautionary measures, as the suspect awaiting trial will be detained in a correctional facility. If the suspect is found guilty and he or she ends up being sentenced to imprisonment<sup>34</sup>, the time he spent in jail awaiting trial<sup>35</sup> has to be deducted from the sentence still to be served and it is also valuable to obtain parole.

- *House arrest*: it is a lenient precautionary measure as it allows suspects in custody to stay at home (not necessarily at their own homes) or in a rehabilitation facility rather than in jail.

Likewise, if the suspect is found guilty and ends up being

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<sup>34</sup>We mean when the sentence becomes irrevocable, or *res iudicata*

<sup>35</sup>So-called *pena presofferta*

sentenced to imprisonment, the time he spent on house arrest awaiting trial has to be deducted from the sentence still to be served and it is valuable to obtain parole.

Violation of house arrest terms is immediately followed by a new charge for escape. Law enforcement agents can check at any moment the factive respect of said terms.

House arrests terms are imposed by the judge, who can order the suspect to stay confined in his house, residence or any other place of cure or assistance where he/she may be housed at the moment; still, the Gip judge can authorize the suspect to leave the house to perform community services, to go to work or to take care of personal needs (like grocery shopping).

#### **i) *Il Tribunale per il riesame*<sup>36</sup>**

Either the offender, the defense attorney or the prosecutor can appeal the decision of the GIP Judge granting the application of precautionary measures before the *Tribunale per il Riesame*; the appeal must be filed within ten days from the ruling though.

The Court of Review is a panel of judges who can uphold, modify or quash the GIP judge's decision on the application of precautionary measures; in addition to that, the Court has the power to examine and rule on all motions filed by the defense for the offender.

#### **l) *The release***

When released before trial, the offender is required by the court to provide an address for service where all motions, paperwork and the final sentence can be mailed. Offenders are required to inform both law enforcement agencies and proceeding judges of any change in residency.

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<sup>36</sup>Literally, Court of Review

Still, offenders are allowed to use as their address for service the address of the law firm that represents them. However, this choice implies that offenders ought to constantly keep in touch with their defense attorneys: failing to do so will likely result in potentially harmful unavailability and untraceability that will lead the defendant to be unaware of the conviction and therefore, to be unable to appeal the custodial sentencing as well.

## 2. AT TRIAL

At the end of the investigative phase, the Prosecutor can either discharge all the evidence gathered against the suspect (if they are inconclusive) or request the GUP judge to schedule a preliminary hearing where the suspect (soon-to-be defendant) will be arraigned; under certain circumstances, the prosecutor is allowed to charge the suspect by summoning him or her directly to trial before the *Tribunale monocratico*<sup>37</sup>

Henceforth, the suspect (*persona sottoposta ad indagine*) will be legally referred to as the defendant (*imputato*).

### a) *L'udienza preliminare* (preliminary hearing)

The Italian criminal code draws a distinction between misdemeanor offenses and felony crimes, i.e. crimes that are punished by imprisonment in excess of four years. When dealing with felony crimes, the prosecutor is required to file a request of arraignment (*rinvio a giudizio*) before the GUP judge.

The GUP judge is then required to schedule an adversarial hearing where the prosecutor can present all the evidence gathered so far on the case and the defendant can make his case to prove his innocence: it is up to the GUP Judge then to determine whether there is a *prima facie* case to answer or if the defendant has to be acquitted due to lack of evidence.

During the preliminary hearing the defendant can be admitted to alternative proceedings, like fast-track trial or plea – bargaining, if he or she requests so.

If the defendant does not require any alternative proceedings, the prosecution and the defense argue the case and the GUP Judge will either acquit the defendant (by ruling a *sentenza di non luogo a procedere* or *proscioglimento*) or issue a *decreto* of *rinvio al giudizio* (literally, decree of indictment) on the ground

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<sup>37</sup> The equivalent of a Magistrates' Court; literally, Monocratic Court.

that the evidence gathered so far seem to justify a bench trial, therefore summoning the defendant before the Tribunale (Court).

In case the defendant has been granted an alternative proceeding, the GUP Judge is allowed to rule on the case: in case of fast - track trials, the GUP judge will either acquit or convict by providing the defendant with a bench trial; in case of plea – bargaining instead, the GUP judge will simply hand down the punishment<sup>38</sup> according to the plea without finding the defendant guilty.

### **b) *Il giudizio ordinario (o dibattimento) – Trial***

Generally, in Italy criminal proceedings follow the same pattern, so the preliminary hearing is followed by the rinvio a giudizio and by full trial before either the Tribunale in composizione monocratica or Tribunale in composizione collegiale<sup>39</sup> (Collegial Court). In case of citazione diretta a giudizio (direct indictment in front of the Court upheld by the Prosecutor), the defendant can file a motion to be admitted to alternative proceedings at the first hearing in front of the Court.

Full bench trials in Italy are modeled after the adversary –

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<sup>38</sup>**Plea – bargaining** in Italy differs from the one found in the USA in that, under this procedure the Prosecutor and the defendant agree on a penalty (that will be enforced) without entering a guilty plea on the charges. The Prosecutor is allowed to enter a plea – bargaining only if he deems that the punishment is a fine or if it would result in less than five years of imprisonment. When both the prosecutor and the defendant have come to an agreement on the punishment, the proposal is submitted to the Judge for the Preliminary Hearing, which is required to weigh the evidence; if the Judge recognizes the defendant guilty and the punishment agreed on looks reasonable and/or proportionate, the plea becomes final. Otherwise, the Judge can quash the plea and put the defendant on full bench trial.

<sup>39</sup> *Tribunale in composizione collegiale* is a Court consisting in a panel of three stipendiary Judges, as opposed to Tribunale in composizione monocratica that consists in only one stipendiary Judge who handles less serious offences and crimes.

system, with public hearings where the opposing sides present evidence (including transcripts of intercepted communications), examine witnesses, and conduct cross-examinations: all the evidence gathered secretly during the investigations have to be discovered and shall be cross-examined in front of the court.

### **c) *I riti alternativi* (alternative proceedings)<sup>40</sup>**

In order to expedite justice with fast – paced trials, the code of criminal procedure states that alternative proceedings, such as expedited trials and plea-bargaining, can be granted at the requests of the defendant or the defendant's attorney (if provided with a “*procura speciale*” or special permit given by the defendant himself).

#### **- *Giudizio abbreviato* (expedited trial)**

When granted an expedited trial, defendants waive their right to a full bench trial (characterized by public hearings) as the judgement is made in chamber upon the investigative files, with no cross -examination.

There are actually two different kind of expedited trials.

The first one (the simplest) is automatically granted by the judge at the request of the defendant as it does not involve the gathering of new evidence; however the second one, called “*giudizio abbreviato condizionato all’assunzione di ulteriori prove*” (literally, expedited trial conditional on the gathering of new evidence) shall not be automatically granted at the request of the defendant but it is up to the judge to decide wheter the requested gathering of new evidence is consistent with an expedited trial or not.

If the second type of expedited trial is granted, the judge allow the prosecutor to cross – examine the new evidence

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<sup>40</sup>The so-called alternative proceedings are indeed alternative methods of resolving criminal trials that can be granted at the request of the defendant and that allow the Court to avoid to administrate a full bench - trial.



exposed by the defense. The judge may also rule for the gathering of new evidence if the ones showed by the prosecution appear to be inconclusive, and the prosecutor shall abide.

At the end of the expedited trial, the defendant may be acquitted or convicted but since he or she has agreed to waive the right to a full bench trial (that could take years, at the expense of the justice system), the conviction will be mitigated up to 1/3 of its amount as a side benefit.

If convicted, the defendant can still appeal the sentence either in front of the *Corte d'Appello* or the *Corte di Cassazione*.

- ***Applicazione della pena su richiesta delle parti (cd. Patteggiamento); Plea-bargaining.***

The prosecutor and the defendant may enter an agreement on the charges (on point of law) and start bargaining on the punishment. The agreement reached by the parties (the defense and the prosecution) is submitted to the judge for the preliminary hearing (GUP).

Plea-bargaining in Italy is peculiar in that, the defendant that agrees on the punishment does not plea guilty to the charges in court: the defendant simply waives his or her right to cross – examine the prosecution's case on point of law and accepts the finding of fact in exchange of a mitigated sentence (up to 1/3 of its length).

The judge for the preliminary hearing is required to weigh the evidence and, if convinced that 1. the prosecution has a case and 2. the proposed punishment looks proportionate, he will later sanction the bargaining. On the contrary, if the judge deems that the agreed – upon punishment is not proportionate to the charges or if the charges themselves are not consistent with the finding of fact, the plea – bargaining will be struck down. However, the judge is not allowed to modify the terms

of the bargaining, at least without the previous approval of both the defense and the prosecution.

The decision of quashing the bargaining and sending the defendant back to trial leads to the mandatory recusal of the judge from presiding over the proceeding: therefore, the case shall be transferred to another judge<sup>41</sup>.

Plea-bargaining is supposed to be final and can be appealed only before the Court of Cassation.

#### *d) Special proceedings*

##### *- Procedimento per direttissima (fast-track trial)*

This kind of trial does not involve any benefit for the defendants as opposed to the above – mentioned alternative proceedings. When the defendant has been arrested in flagrante delicto (i.e while committing the crime), the prosecutor has 48 hours in order to summon the defendant directly before the judge of the trial (and not before the GIP judge) where he or she will be arraigned and tried; if the defendant is in custody, the Judge will also rule on the upholding of the arrest and the subsequent application of custody measure.

At trial, the defendant through the defense attorney can do the following: 1) ask the judge to postpone the hearing in order to prepare the case 2) request the judge to be granted access to alternative proceedings such as *giudizio abbreviato* or *patteggiamento* 3) to argue the case right away.

The judge can allow custody measures at the request of the prosecutor.

##### *- Giudizio immediato (immediate trial)*

Similarly to the **procedimento per direttissima**, this kind of trial does not involve any benefit for the defendants as opposed to the above – mentioned alternative proceedings.

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<sup>41</sup>Known as “the judge of the trial”

During this proceeding, the *udienza preliminare* (preliminary hearing) does not take place.

The prosecutor can request the judge for the preliminary investigations to carry on an immediate trial when the defendant is not under provisional arrest but he or she has been questioned and there are substantial evidence against him or her: it is up to the GIP Judge then to grant this special proceeding.

Nonetheless, the judge must grant an immediate trial if the defendant is in custody (so-called *giudizio immediato cautelare*).

Within 15 days from receiving the decree that allows the *giudizio immediato* and from being summoned before the court for trial, the defendant can request the court 1. to be granted alternative proceedings such as *giudizio abbreviato* or *patteggiamento* or 2. to be granted a full bench trial.

– ***Decreto penale di condanna* (literally, criminal decree of conviction)**

The choice of this type of proceeding is up to the prosecutor. When the prosecutor deems that the defendant should be handed down a fine (alone or in lieu of imprisonment), he requests the judge for the preliminary investigations to issue a “criminal decree of conviction”, according to which the defendant is required to pay the fine.

At this stage the defendant has two choices: 1. to comply and pay the fine with no further legal consequences from the criminal point of view or 2. to appeal the decree within 15 days of its service and ask the judge to be granted either an alternative proceeding (i.e. *giudizio abbreviato* or *patteggiamento*) or an immediate trial (*giudizio immediato*).

*e) L'Appello e il Ricorso per Cassazione (Appeal and Appeal to the Supreme Court of Cassation)*

Defendants that have been convicted before the court of first instance are allowed, within a specified amount of time, to file a motion to appeal at the Register Office of the court of appeals with jurisdiction over the sentence of first instance; when doing so, defendants are required to highlight their reasons to appeal before the Court of Appeals.

Defendants can appeal their conviction in order to be acquitted or to obtain a more lenient sentence; in the latter case, the defense is likely to argue that aggravating circumstances have been wrongly applied to the case or that extenuating circumstances should have been taken into consideration.

The Court of Appeals has the authority to review the case entirely and it is entitled to overrule the decision of the lower court. In case the defendant appeals the conviction, the criminal code states that the Court of Appeals can uphold the conviction but it must refrain from passing a sentence that would be more severe than the one passed in first instance (so-called *reformatio in peius*). However, this principle does not apply if the prosecutor appeals an acquittal or even a conviction that he deems to be unproportionate to the charges and unreasonably lenient: then the Court of Appeals is allowed to pass a more severe sentence.

The **Supreme Court of Cassation** (Corte Suprema di Cassazione), hosted in Rome, is the major court of last resort; defendants can appeal their conviction before the Court of Cassation but it must be beared in mind that the Court of Cassation never examines the finding of fact (including evidence) since it is forbidden from overruling the lower court's interpretation of the facts; still, the Court di Cassation can correct a lower court's interpretation in point of law or the application of the law to the case.

Appeals before the Court of Cassation can be filed by

defendants themselves, even via the Prison Register Office for those in custody, and by defense attorneys that have been admitted to represent clients before the Court of Cassation.

e) ***Recidività e legge ex Cirielli (L. 251/2005)*** – **Recidivism under the ex Cirielli Law**

The so-called Cirielli Law modified the codified laws on the statute of limitations with regard to recidivism by increasing the maximum period of time according to which it is feasible to prosecute recidivist defendants.

According to article 99 of the Criminal Code, defendants are considered to be recidivist if they commit another crime after having been previously convicted: anyway, to be counted as recidivism, the second offense needs to be voluntary.

If a defendant deemed as a recidivist by the court continues in breaking the law, he or she are referred to as *recidivo reiterato* (repeat offender).

Art. 99, comma 4 of the Criminal Code, as modified by the ex Cirielli law, states as follow :

- as far as the statute of limitations goes, the period of time given to prosecute repeat offenders has been increased;

- as far as the the punishment goes and as opposed to what art. art. 62 bis c.p states, mitigating/extenuating circumstances cannot prevail (ever) on aggravating circumstances when dealing with a repeat offender. Therefore, more severe sentences are bound to be passed on repeat offenders since they cannot take benefit from the prevailing of extenuating circumstances when tried in court;

- as far as the serving of the sentence goes, repeat offenders cannot be admitted (ever) to probation or be granted a suspended sentence when sentenced to less than three years of imprisonment; therefore, repeat offenders are bound to serve their sentence in prison, no matter how many years they have been sentenced to. Repeat offenders are allowed to file a

request for parole only after being sent to prison.

To sum up, the ex Cirielli Law has introduced more severe provisions that are inconsistent with the general principle that the court must evaluate all the finding of fact when sentencing the defendant (as stated by art. 133 c.p.) and that are inconsistent with the rule that it is always up to the court's discretion to strike a balance between extenuating and aggravating circumstances.

### 3. THE IMPLEMENTATION OF THE SENTENCING

Convictions that are final (i.e irrevocable) are implemented by the State.

It is of utter importance that social volunteers aiding the detainees have a deep knowledge of all the ways a conviction can be implemented other than by imprisonment. The sociological theory upon which the goal of detention is to "repair" the deficiencies in the individual and return them as productive members of society has been widely criticized since the implementation of this model has not proved successful as far as the rehabilitation of convicts goes.

What stated above is main reason why voluntary workers and NGO's workers are trying hard to favor the social inclusion of former convicts by giving them chances that the law in itself cannot provide: for instances, social workers try to help addicted convicts to recover and they try to assist ex convicts upon their release.

#### **a) With whom defendants are expected to deal when tried and/or convicted:**

- *the prosecution* is the legal party responsible for presenting the case in a criminal trial against an individual accused of breaking the law; in case of conviction, the prosecution issues a decree of implementation which establishes the provisional date of the release of the convict as well. The date of the release may change since the sentence can be shortened due to good behavior of the inmate or at the contrary, it can be lengthen due to new convictions.

- **Giudice dell'esecuzione** <sup>42</sup>: this judge rules on every aspect that is related to the implementation of the conviction, including the legitimacy of the sentence; he has the power to grant privileges such as amnistia or indulto<sup>43</sup>, and he can rule on the application of the discipline of reato continuato<sup>44</sup>. The Giudice dell'esecuzione must be the same judge or court that granted the conviction of first instance; the Court of Appeal may serve as Giudice dell'Esecuzione in case the conviction of first instance has been reviewed by the Court of Appeal, but the review of the conviction only affected the time to serve in prison.

- **Tribunale di Sorveglianza or Surveillance Court**: it is a legal body made up of four members, two surveillance judges and two experts in psychology, social services, education, psychiatry and clinical criminology as lay judges.

It is a body with specific competence over the supervision of detainees. It supervises the enforcement of sentences and it may grant alternative measures to prisoners as well as alternative sanctions; it is also in charge of enforcing security

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<sup>42</sup>Literally, **Judge of the implementation of the sentence**: in Italy if the defendant has been convicted and the conviction has been deemed as final, there is a special appointed Judge in charge of monitoring the carrying-out of the sentence, either by imprisonment or by alternative measures such as house arrest.

<sup>43</sup>**Indulto (pardon)** is the forgiveness of a crime *and* the cancellation of the relevant penalty;

**Amnistia (amnesty)** is the act of officially forgiving certain classes of defendants: it includes more than pardon, in as much as it obliterates all legal remembrance of the offense.

<sup>44</sup>**Reato continuato** refers to a provision of the Italian criminal code according to which the Court can convict a defendant that has been charged with multiple offences by passing only one sentence (a concurrent sentence); however, those imprisoned for multiple crimes will serve a **sentence** in which the period of imprisonment equals the length of the longest sentence, but the amount of time to serve in prison will be lengthened in order to account for all the crimes for which the defendant has been tried.



measures.

- ***Magistrato di Sorveglianza or Surveillance Judge***: the surveillance judge is a single judge dealing with all matters related to the treatment of detainees, including the organization of the so-called Istituti di Prevenzione e Pena (correctional facilities).

Generally speaking, the surveillance judge is in charge of permits, parole and early release of the detainees; he can issue a provisional decree granting house arrest and probation as well as debt forgiveness.

### **b) The legal framework**

When dealing with the carrying – out of a sentence in prison, the main legal framework is given by the so - called ***Ordinamento Penitenziario law*** (l. 354/1975), as modified by subsequent laws including the *Regolamento di Esecuzione* (or D.P.R. 320/2000).

The ***Ordinamento Penitenziario law*** is still the main source of law: this law has introduced alternatives to detention, such as the possibility to serve time outside the correctional facility (by being on house arrest, for instance). Alternatives sentencing can only be granted under certain conditions set forth by the court, like, for instance, if a detainee has actively and successfully taken part in a rehabilitative program and he or she is supposed to serve a sentence no longer than three years.

Art. 4-bis of the *Ordinamento Penitenziario law* is of utter importance, as it states a list of felony crimes/ indictable offenses under which alternatives to detention can be restricted or cannot be granted at all.

The so-called *Simeone-Saraceni* Law (L.165/98) has modified the Italian Code of Criminal Procedure by fostering the possibility for defendants to obtain alternatives to detention immediately after being sentenced, therefore skipping the initial custody in prison - phase entirely. According to this law, defendants that are sentenced to serve time in prison up to three years (six years if the defendant suffers from substance or alcohol abuse) are served notice of the conviction: however, the sentence is not supposed to be carried out immediately as it can be suspended for thirty days. Within thirty days, convicts can file their request of admission to alternatives to detention. In case a convict does not file any request within thirty days of being served notice, the prosecutor will revoke the suspension and order enforcement agencies to arrest him or her and to take him or her to prison.

If a convict files the request of admission to alternative sentencing within the due date and he also provides suitable documents to be granted the measure, the prosecutor must first grant the suspension of the sentence; then the prosecutor is required to transmit the request to the surveillance court that has jurisdiction over it.

The *ex Cirelli* Law has repealed partially article 656 of the Code of Criminal Procedure by stating that the prosecutor cannot ever suspend the sentence if the defendant has been deemed as a repeat offender. Repeat offenders, if convicted, are immediately transferred to correctional facilities and only once in custody they are allowed to apply for alternative measures to detention.

Request filed by convicts that are not in custody are examined by the Surveillance Tribunal that has jurisdiction over the case; in the meantime, the UEPE offices are allowed to start an inquiry about the social background and the family history of the convict in order to check the alternatives to detention.

### **c) Alternatives to prison, privileges and other kind of incentives**

The above - mentioned motions (informally referred to as “requests”) are dealt with by following a two-step process: firstly, the court that has jurisdiction over the case will gather information about the convict that has filed the motion; only then, the Court of Surveillance will rule in favor or against the motion by scheduling a private hearing<sup>45</sup> (where only the convict, his or her defense attorney and the prosecutor are allowed to participate).

#### **- Probation<sup>46</sup> (art. 47 O.P. and artt. 96 a 98 R.E.)**

Probation is the most common alternative to detention and the Surveillance Court has the power to grant it.

Probation can only be granted to offenders who have been sentenced up to a three – year prison term or to detainees whose residual term in jail accounts to less than three years.

Firstly the Surveillance Court is required to put together an investigation report, i.e an assessment of the offender's background, in order to determine if he or she can be released safely back into the community; the court is allowed to use the help of enforcement agencies to collect information on the offender.

Probation can be granted under certain conditions set forth by the court: nonetheless, it can only be granted if it is deemed as a viable mean to rehabilitate the offender. Therefore, probation can only be granted to offenders that are 1. likely to refrain from unlawful behavior 2. currently employed and 3. not homeless.

Probation can be granted multiple times, but if during probation the offender is found breaking the rules, he or she

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<sup>45</sup>Private hearings are deemed as exceptional in Italy, as opposed to public hearings.

<sup>46</sup>Literally, testing period under the supervision of social services

will face the threat of being sent back to prison without parole.

Probation can be granted to repeat offenders only under special circumstances.

If a detainee is out on probation, he or she must comply with all orders set forth by the court; at the end of probation time, the offender that has been put on probation must take part in a hearing in front of the Surveillance Court, where probation officers are going to submit a report on the offender. If it is shown that the offender has refrained from unlawful behavior and that he or she has complied with all the conditions set forth by the court during probation time, then the court will revoke the custodial sentence once and for all; on the contrary, if the offender has been found breaking the rules, he or she will be sent back to prison as probation revocation results in conviction of the original criminal charges, with the term of incarceration being equivalent to the original sentence for the alleged crime(s) (therefore disregarding the amount of time spent on probation).

**- Community confinement for addicted offenders (art. 94 D.P.R. 309/90)<sup>47</sup>.**

It is a special type of probation designed for offenders that suffer from substance and alcohol abuse.

In order to be granted probation, addicted offenders are required to take part in a rehabilitation program; furthermore, they are requested to prove their condition by producing an official medical record.

The Surveillance Court has the power to grant the motion by scheduling a probation hearing; the surveillance judge is only allowed to grant provisional probation if all the requirements are met, but that decision can be later overruled or upheld by the Surveillance Court.

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<sup>47</sup>Literally, probation under the supervision of social services for addicted inmates:

The main difference between probation and probation for addicted offenders is that, whereas probation is not automatically granted to offenders (since art. 47 states that is up to the court to grant it or deny it at its discretion, by evaluating the personality of the offender and his or her chances of going through a successful rehabilitation process), the grant of probation to addicted offenders does not involve a decision making process: one either qualifies for it or not, so it is automatically granted without further inquiries once a valid medical record is submitted.

Community confinement can be granted to repeat offenders that suffer from addiction only under special circumstances.

**- Supervised released - *Detenzione domiciliare*<sup>48</sup> (art. 47 ter O. P. and art. 100 R.E.)**

The Surveillance Court can grant it as a lenient alternative to prison time: it is often confused with house arrest (which is a precautionary measure in Italy to detain suspects) because of the similar carrying-out (they both involve home confinement).

The *ex Cirielli* Law redefined the requirements for the eligibility for house detention by setting up restriction for repeat offenders.

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<sup>48</sup>Literally, home detention

House detention can be granted to the following offenders:

- offenders who are 70 – year old or older and who have not been declared repeat offenders or habitual offenders by the Court. The above - mentioned felons can be granted home detention no matter how serious their conviction was (i.e with no regard to the detention term), with the only exception of few felony crimes that can never lead to home confinement;

- offenders (with the exclusion of repeat offenders) who are in custody and who are close to the end of their prison terms, which could be up to two years, no matter how old they are; in such cases, home detention is granted if probation cannot be granted in the first place;

- female offenders in custody who are either pregnant or with children under the age of ten and who are close to the end of their prison terms, which could be up to four years (or three if the female pregnant offender has been deemed as a repeat offender); male offenders with live-in children under the age of ten, but only if the mother of the kid(s) has passed away or if she is completely unable to provide for the kid(s) herself;

- offenders with serious illness or health conditions that require medical care outside the correctional facility;

- offenders who are 21 year – old or younger if pursuing a job or education, or if there are health or family reasons;

- the Surveillance Court has the power to grant home detention to the offender, no matter how serious the conviction was, every time there are serious issues according to which the custodial sentencing should be suspended, either automatically or by decision of the court. Such is the case of: 1. pregnant female offenders, offenders with newborn babies (under the age of one, and in that case home detention is automatically granted to the mother otherwise in custody) or with infants (under the age of three,

and in that case the court exercises its discretion with respect to the grant of home detention); 2. again, offenders suffering from AIDS and whose conditions are not compatible with imprisonment in a correctional facility; 3. offenders with disabilities; 4. offenders that have requested pardon.

House detention differs from probation in that, a hearing will not be scheduled at the end of the confinement terms (as opposed to probation, where a hearing is always scheduled to evaluate if the offender has refrained from unlawful behaviour during probation time and if he or she has complied with all the conditions set forth by the Court).

#### **- Home detention under special circumstances (L. 199/2010)**

In December 2010 a new statute was passed, according to which offenders can be granted home detention if the following requirements are met before December 31, 2013: 1. the offender has to serve up to 18 months 2. the offender was convicted for a misdemeanor and there is no risk of recidivism or that the suspect will flee punishment.

The surveillance judge has the power to grant the motion.

#### **- *Semilibertà*<sup>49</sup> (art. 48 O.P. e art. 101 R.E.)**

*Semilibertà* refers to the provisional release of a prisoner during daytime hours in order to let him or her go to work, to go to class or to take part in rehabilitating activities.

*Semilibertà* is considered to be a “*misura alternativa impropria*”, which means it differs from alternative sentencing in this, the offender is still housed in prison even if he or she are allowed to attend classes or work during daytime hours.

Inmates that have been granted such measure are also

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<sup>49</sup>Literally, semi-parole; it refers to the conditional liberty of prisoners outside of prison for an amount of time prior to their release.

allowed to take part to what in Italy are known as “*rehabilitating activities*”: those activities can include working, either under dependent or self employment, or studying.

It is utterly important though that inmates that have been granted semi-parole do engage in constructive activities (like, for instance, studying, doing social services or taking care of their children) if they want to develop their social and technical skills and most of all, if they want to prepare themselves for their release and subsequent reintegration into the community.

*Semilibertà* can be granted by the Surveillance Court to the following offenders:

- offenders that have been sentenced to arrest<sup>50</sup>, no matter for how long;
- defendants that have been sentenced to six or more months in prison;
- defendants that have been convicted and that are eligible for probation/ community service;
- prisoners that have served up to  $\frac{1}{2}$  of their sentence in prison ( $\frac{2}{3}$  for repeat offenders);
- defendants that have been convicted under article 4 bis, comma 1, section II O.P., if they have served up to  $\frac{2}{3}$  of their sentence in prison ( $\frac{3}{4}$  for repeat offenders);
- defendants that have been sentenced to life imprisonment, in case they have served at least 20 years in prison.

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<sup>50</sup>Arrest can be a type of punishment as well in Italy.



**- *Lavoro all'esterno*<sup>51</sup> (art. 21. O.P.)**

This is not an alternative to detention: it is rather an administrative act of the director of the prison that has to be approved by the surveillance judge.

*Lavoro all'esterno* strictly refers to the provisional release of a prisoner who wishes to keep attending school and being employed. It can be granted to the following offenders:

- all detainees, no matter how long the sentence they have to serve in prison;
- defendants that have been convicted under article 4 bis, comma 1, section II O.P., if they have served up to 1/3 of their sentence in prison and the overall time to serve in prison is less than five years;
- defendants that have been sentenced to life imprisonment in case they have served at least ten years in prison.

Prisoners found guilty of escape or that have broken the rules and therefore have been denied alternatives to incarceration cannot be granted the alternative of *lavoro esterno* for three years according to art. 58 *quater*, commi 1 e 2, O.P.

**- *Liberazione anticipata*<sup>52</sup>(art. 54 O.P. e art. 103 R. E.)**

Early release refers to the release of a detainee prior to the completion of his or her sentence due to the fact that he or she can be compensated with time off for good behavior and for participating in rehabilitating activities, which is counted towards the time served. Specifically, good time can reduce the original sentence up to 45 days for every semester spent in prison showing good behavior.

Early release for good time can be granted by the

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<sup>51</sup> Literally, work outside the correctional facility

<sup>52</sup>Literally, early release

surveillance judge even to offenders that have been admitted to alternative sentencing such as probation; time spent in custody or on house arrest prior to trial can be valuable as well to reduce original sentence if good behavior has been shown.

**- *Permessi* or prisoner privileges**

The term refers to a reward system that allows detainees to spend a limited amount of time away from prison. The Italian law states that there are two different kind of permits: permits for emergency reason (*permesso di necessità*) and rewarding permits (*permesso premio*).

**- *Permits for emergency reason* (art. 30 O.P.)**

This type of permit can be granted by the surveillance judge to convicts either serving custodial sentences or that are eligible for alternative sentencing (such as house detention or *semilibertà*); it can be granted by the court with jurisdiction over the case to defendants awaiting trial that are on custodial measures or on house arrest<sup>54</sup>.

Lastly, in case of mentally – ill convicts that are housed in prison - run psychiatric wards, permits for emergency reason must be granted if requested by a relative, regardless of the convict's behavior.

A permit for emergency reason can be granted in the following cases:

- if a life threatening – event has occurred or is likely to occur to a family member<sup>55</sup> of the convict/defendant; strict scrutiny applies to the case, so the court is required to ascertain such event as true and compelling by conducting inquiries;

- under special circumstances, if offenders/defendants show that they are undergoing serious family issues.

If the inquiry shows a high risk of escape or of fleeing

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<sup>53</sup>Literally, permits

<sup>54</sup>Here, house arrest as precautionary measure

<sup>55</sup>Including partners

trial/punishment, the Court is still allowed to grant such permit but under mandatory supervision.

Permits for emergency reason can last up to five days, plus traveling time to and from the destination (i.e where the detainee is supposed to go to take care of his personal/ family issues).

The detainee who has been granted such privilege and who does not return to prison within the allotted time is charged with escape under art. 385 C.P; in case the detainee is running up to twelve hours late and offers no justification, he or she will incur in disciplinary punishment. There is a grace period of three hours though on the scheduled return to prison that bears no punishment.

The privilege can be revoked by the court; the detainee or the prosecution can appeal the decision that revokes or grants the permit before the Surveillance Court (for convicts) or before the Court of Appeal (for defendants).

#### ***- Rewarding permits***

This kind of privilege has been introduced by the so – called Gozzini Law (or legge 663/86) that was modeled after some foreign statutory provisions.

As opposed to permits for emergency reason that can be granted to defendants awaiting trial in custody and to mentally – ill defendants housed in psychiatric wards as well, rewarding permits can be granted only to convicts under the following conditions:

- for defendants that have been arrested and that have been sentenced up to three years in prison (including the time spent in custody awaiting trial), the permit can be granted immediately; however, according to the ex Cirielli law, repeat offenders can be awarded rewarding permits only after having completed at least 1/3 of the sentence in prison;

- after having served at least 1/4 of the sentence in prison (or 1/2 in case of repeat offenders), in case of defendants that have been sentenced to at least three years in prison;

- to defendant convicted under article 4 bis, comma 1, section II O.P. that have served up to 1/2 of their sentence in prison, the permit can be granted immediately if the overall time to serve in prison is less than ten years; nonetheless, repeat offenders must have served at least 2/3 of the sentence in prison before being awarded rewarding permits;

- defendants sentenced to life imprisonment who have served at least ten years in prison can be granted rewarding permits as well.

Rewarding permits can be granted by the surveillance judge if the following requirements are met:

- the detainee has been showing good behavior, which means that they have proved to be responsible, both in prison and at work, and that they have successfully taken part in the rehabilitation programs held in prison; the director of the prison, together with the Observation and Treatment Unit, mainly help to decide whether a detainee can be granted a rewarding permit or not, as they are required to advise the judge on the matter. Their saying is not final though, since the surveillance judge can disregard their opinion;

- the detainee must not be deemed a serious risk to public safety; the surveillance judge can gather information on that through enforcement agencies and by looking at the offender's criminal record, or even by reading the argument upon which

the conviction was ruled in first place;

- specifically, the judge is required to gather information on the actual behavior of the detainee applying for rewarding permits, in relation to the possible outcome of their temporarily release in the community and in relation to the potential tie with the community;

- rewarding permits are granted in order to let detainees join their families, go to class, go to work or carry on any other rehabilitating activity;

Rewarding permits can be granted up to forty-five days per year served in prison. Each permit is valid up to five days, including the time to go to and from the correctional facility.

The detainee that has been granted a rewarding permit might be required to abide to the conditions set out by the judge and they shall not run late without a proper justification when returning to prison.

The prosecution or the detainee are allowed to appeal the decision that grants or that rejects the rewarding permit before the Court of Surveillance.

### **- *Libertà controllata*<sup>56</sup> or supervised release (artt. 53 e 56 l. 689/81)**

It is an alternative to detention that is granted by the Surveillance judge, who can also order the detainee to abide to the following additional restrictions:

- the detainee that has been granted supervised release might be ordered to live in a directed place, without being able to leave the jurisdiction<sup>57</sup>, with the exception for serious work – and family related reasons;

- the detainee might be obliged to sign at the so - called Office for Public Security daily;

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<sup>56</sup>Literally, freedom under surveillance

<sup>57</sup>Literally, county area of residency

- the detainee might be required to refrain from possession of firearms ;
- the detainee's driving license is usually suspended, unless the detainee proves that said license is needed to face work and family – related issue;
- the detainee's passport and any other type of traveling documents might be confiscated.

The above-mentioned restrictions are placed upon convicts that have been fined for criminal reason but that are financially unable to pay such fines.

The surveillance judge can automatically turn an additional criminal fine into days of detention, specifically the change rate is one day for every 38 Euros; the judge can do that even if the convict has not filed a motion on the matter.

#### **- Debt forgiveness**

In Italy convicts are expected to contribute towards the cost of their own living expenses while in prison, in addition to pay for the cost of court proceedings. Nonetheless, convicts can file a request before the sSurveillance judge for debt forgiveness, which can be granted if the following requirements are met:

- the convict is facing financial hardship;
- the convict has shown good behavior while in prison or while being granted alternatives to detention.

### ***Riabilitazione***<sup>58</sup>

If granted, it allows the removal of the conviction from one's criminal record at the end of one's prison term, as well as extinguishing any other consequence of the conviction.

It can be granted at the request of the ex convict if the following conditions are met:

- three years must have passed by before the released convict is allowed to file the request for discharge (which becomes eight years for repeat offenders or offenders that have been deemed by the court as professional, habitual or with the tendency to commit crimes<sup>59</sup>);
  - no security measures must have been taken against the ex convict;
  - the ex convict has voluntarily paid criminal injuries compensation to the victims of the crime, which means even if the victims have not been awarded compensation by a civil court yet<sup>60</sup>.

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<sup>58</sup>Literally, **discharge**

<sup>59</sup>Literally, recidivi reiterati, delinquenti abituali o professionali o per tendenza.

<sup>60</sup>In Italy criminal injuries compensation is required to be carried out by the offender; victims of crimes can be awarded compensation by a civil court after the criminal trial has been taken place and a conviction has been ruled.

## FOREIGN INMATES

The data show a high increase in the number of foreign inmates held in correctional facilities in Italy in the last couple of years. This trend has put additional pressure on social volunteers working in prison and on the prison personnel, since foreign inmates are less likely to fully understand the Italian criminal justice system and they are rarely given access to valuable information regarding their rights in prison.

Moreover, foreign inmates are often on their own, with no ties to the community, and that often results in them being unable to be granted alternatives to imprisonment, which always involve at least a steady job and a home to return to.

Under the Italian law, all the non – EU citizens are referred to as “foreigners”, as well as stateless people which, by definition, have no citizenship whatsoever because of their lack of nationality. The so – called *Testo Unico sull'Immigrazione* (or D. Lgs. 25 luglio 1998 n. 286)<sup>61</sup> deals with issues related to legal and illegal immigrants.

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<sup>61</sup>Literally, Codified laws on immigration: it is a comprehensive corpus dealing with immigrant law (immigration law code).



## Foreign inmates with no staying permits<sup>62</sup>

Non - EU citizens without a valid staying permit are deemed as illegal immigrants by the law: this may refer both to 1. immigrants that have come to Italy illegally 2. or immigrants that are supposed to leave the country because they had been granted a staying permit which has now expired 3. immigrants whose request for a staying permit has been rejected by the Government or that don't have requested a staying permit at all upon their arrival in Italy.

According to the Italian law on immigration, all foreign convicts that are found to be illegal immigrants must be deported <sup>63</sup>. Deportation is not deemed as a criminal punishment as it is rather an additional administrative sanction that the *Prefetto* <sup>64</sup> (otherwise known as *Questore* in the *Province of Trento and Bolzano*) can pass down once foreign convicts have served their criminal sentence; however, at times deportation of a convicted illegal immigrant can be ordered by the court as an alternative to imprisonment, and it is only possible if the remaining time the foreign convict has to serve in prison in Italy is up to two years.

Deportation as an alternative to prison can be granted by the surveillance judge; nonetheless, convicted illegal immigrants are allowed to oppose such decision by appealing it before the court of surveillance within ten days of being served notice.

Deportation is issued by the surveillance judge with a decree and the removal must be carried away immediately if the convicted illegal immigrant has not filed for an appeal on the matter.

Deportation as an administrative sanction consists in a written order of the *Prefetto/ Questore*, according to which the

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<sup>62</sup> That makes them illegal aliens

<sup>63</sup> Deportation in Italian is called *espulsione*

<sup>64</sup> Literally a prefect, which is a sort of chief constable who, however, is not part of the police as they get appointed by the Government.

convicted illegal alien is ordered to leave the country voluntarily within seven to thirty days. This deadline can be extended, if necessary, in order to meet special needs, like the existence of a partner or of children going to school in Italy or the illegal immigrant's admission to a special program called "*rimpatrio volontario e assistito*"<sup>65</sup>. The *Prefetto/ Questore* at his discretion can impose the following measures on convicted illegal aliens while they wait to be deported:

a) their passport can be confiscated, and they are meant to get it back strictly upon leaving;

b) they might be required to live at a directed place where their whereabouts can easily be traced back to by enforcement agencies;

c) they might be required not to leave the jurisdiction and to appear daily before an enforcement agency at a given time. The implementation for such measure, however, must be upheld by the *Giudice di Pace*<sup>66</sup> with jurisdiction over the case within forty-eight hours from notice; meanwhile, the convicted illegal immigrant is allowed to submit a legal brief to the judge in order to challenge the removal.

Deportation can be implemented immediately by the *Questore*, who can rely on enforcement agencies escorting immigrants to the borders, in the following cases:

a) if the Minister for Foreign Affairs has ordered it or in case the immigrant has been deemed as a danger to society/ as endangering public safety or creating a risk of national security;

b) if there is an high risk of escape; in case of illegal aliens not carrying any valid passport or similar documents with

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<sup>65</sup>Literally, voluntary deportation with the assistance of the Government: it is a special program run by the Government that allows immigrants to go back to their country of origin and to be assisted in that process by the Italian government; assistance covers travelling issues as well as the necessity of re-adjusting to society once back.

<sup>66</sup>*Giudice di pace* in Italy refers to a lay judge who deals with minor offences.

them; in case of immigrants who do not have documents with them demonstrating that they live in a certain place, where their whereabouts can be easily traced back to; in case of immigrants who have repeatedly given the police false personal data or that have falsified their ID documents; in case of immigrants who did not abide to the Prefect's previous orders to leave the country; in case of immigrants who purposely violated the order given by the Prefect of voluntarily leaving the country;

c) if the immigrant's request for a staying permit has been rejected due to the lack of legal ground or if the request has been rejected because it was based on falsified documents;

d) when dealing with immigrants who, for no apparent reason, did not meet their deadline to voluntarily leave the country; such deadline is set out by the newly – introduced provision under comma 5, article 13;

e) in case an immigrant did not abide to the following rules: turning in a valid passport, mandatory residency at a certain place, mandatory turn – in at the nearest police office on a daily basis, or any other rule set out by art. 14 co. 1 bis as an alternative to detainment before deportation, as well as violating the grace period;

f) in case deportation has been ruled by a judge (surveillance judge).

Even if deportation could be implemented right away in some cases or even if the order to leave the country should be abided on the spot, sometimes immediate removal proves to be just impossible due to a number of technical and humanitarian reasons, such as: health care reasons, the necessity of providing immigrants with passports and traveling documents, the unavailability of a mean of transport to escort immigrants at the borders, the necessity of ascertaining the true identity of an immigrant.

While waiting to be deported, immigrants must remain in custody and they are put in what are called “CIE (*Centro di Identificazione ed Espulsione*)” for a maximum of one hundred – eighty days. If that is the case, a hearing must be scheduled within 48 hours before the *Giudice di Pace* in order to validate the immigrant's custody. Immigrants must be provided with a defense attorney that is required to attend the above – mentioned hearing. Defense attorneys' strategy usually involves a request to the court for custody termination and the filing of a motion to oppose the decree of expulsion.

According to the law, immigrants' custody in a CIE (which can last up to 180 days) can be, however, extended for 12 more months for exceptional and emergency reasons. This usually happens when it is impossible to deport the immigrant due to the lack of cooperation of the immigrant's country of origin, which fail to provide Italian enforcement agencies with the immigrant's traveling documents.

What stated above means that immigrants can lawfully spend **up to a year and a half in custody** in Italy while waiting to get deported.

Nonetheless, if an immigrant ends up being unlawfully held CIE for a number of reasons, the law states that they can be awarded compensation for the unlawful restraint of his or her personal freedom by getting € 235,82 per day in custody: the precedent has been set by the ruling n. 5446/13 - 13.3.2013 of the Tribunale di Roma Sez. II, Giudice Criscenti.

Immigrants that are: minors, seniors, that have children but no partner, that have disabilities or that have been victims either of sexual or violent crimes can still be deported, even though the law states that deportation has to be implemented with special care, with regard to the personal condition of the immigrant. Unfortunately, the law does not specify what “special care with regard to the personal condition of the immigrant” actually mean.

The law states that immigrants without a valid staying permit are not to be removed/deported in the following cases:

- as long as they have not been deemed as a danger to society or to public security by the enforcement agencies and if they can still request a staying permit on humanitarian grounds, such as those awarded to political refugees, asylum seekers, subsidiary protection – seekers;
- in case the immigrant is a minor (18 year-old or younger);
- in case the immigrant is living with an Italian partner or with a relative (up to second degree's ones) who either has the Italian citizenship or who is lawfully staying in Italy;
- if the immigrant is soon to be a parent, and up to six months after the child's birth.

In the above – mentioned cases, immigrants cannot be lawfully removed since they can still apply for a staying permit.

Immigrants can be granted a staying permit also under article 18 of the Immigration Law Code: this provision states that battered and trafficked immigrants (mostly women) who are victims of the alien smuggling trafficking for sexual exploitation can be granted the so - called *soggiorno per motivi di protezione sociale*<sup>67</sup>. More precisely, the grant of this kind of staying permit is subjected to the following additional condition: immigrants applying for it are required to free themselves from the criminal organization they happen to be (willingly or unwillingly) part of. Since leaving a criminal organization has proven to be a dangerous act in most cases, the law states that those immigrants, who are actually in need of an additional special protection program, can be granted a staying permit at the request either of the prosecution or of social services. The permit is valid for six months, then it can be extended but only as long as the immigrant requesting it takes part in a social inclusion – program that has been previously arranged.

A staying permit for social protection reasons can also be granted to those immigrants that have served a sentence in a juvenile correctional facility, provided that they have successfully taken part in a rehabilitative and social inclusion program.

Immigrants that are in custody can still apply for asylum, but they are required to officially file their request on paper at the police station later on when they will be released.

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<sup>67</sup>Literally, staying permit for social protection reasons

However, as long as immigrants in custody verbally express their intention of applying for asylum, they cannot be lawfully deported and they can oppose every decision on the matter in court.

Immigrants cannot be removed/deported while in custody; moreover, immigrants can be granted alternatives to detention such as house arrest, living at a directed place or daily appearance at the police station.

Immigrants that have been convicted in Italy and whose sentence is final can still file a request for alternative sentencing, including home detention or community service. Needless to say, convicted illegal immigrants cannot be removed while serving their sentence.

### **Convicted foreign offenders with a valid staying permit**

Arrested or convicted foreign offenders with a valid staying permit do not lose their permit automatically during and after trial. Nonetheless, the law states that the *questore* can revoke or refuse to extend one's permit if the immigrant is deemed as a danger to society. This means that the immigrant will be deported immediately at the end of his or her prison term.

Immigrants that have been convicted for specific (indictable) offenses (including immigrants who entered a plea – bargain) will be automatically denied an extension of their permit, unless special circumstances apply to the case. Art. 4 c. 3 of the immigration law - code enlists all the offenses that lead to the revocation of one's staying permit, which are: 1. drug smuggling/ dealing 2. sexual offenses 3. prostitution trafficking and alien smuggling 4. counterfeiting/pirating and selling branded and copyrighted goods also leads to the revocation of the staying permit under provision 26 c. 7bis of the immigration law – code.

Immigrants can challenge the revocation of their permit on the grounds of education and job – related issues arising from deportation by filing a motion before the *TAR (Tribunale Amministrativo Regionale)*<sup>68</sup>; however, if the staying permit has been granted for family reasons or for humanitarian reasons/ under refugee law (like those granted to immigrants seeking political asylum), the motion has to be filed before the Court.

If the immigrant is in custody and his or her staying permit happens to expire during detention, we strongly advise the immigrant to immediately file a request for an extension by using the postal service kit that is available at the prison's administrative office. Immigrants can ask the prison administrative staff for help in order to fill out said request.

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<sup>68</sup>TAR is a special Court that deal mainly with administrative offences and administrative suits (like those opposing the citizen to the Government).



As opposed to what has just been stated, immigrants applying for an extension of their permit for humanitarian reasons (like those seeking asylum, refugees or holders of subsidiary protection status or of any status under humanitarian law) are required to file their application personally before the *Questura*<sup>69</sup>. That means that immigrants applying for it in custody have to file the request, then mail it to the *Questura*: this way, the deadline of sixty days is met. However, once they get to be released, they are required to appear in person before the *Questura*.

### **Staying permit for trial reasons**

This kind of staying permit is valid for three months even if it might be extended; it can be requested by the *Court* whenever illegal immigrants are on trial for indictable offenses. It can also be requested by immigrants that have been expelled and that wish to take part in their own trial or in a trial where they hold the status of victims: if granted, they are allowed to re-enter Italy and to stay for a fixed period of time. This permit is granted by the *Questura* of the place where the trial is being held.

### **Removal as an alternative to detention**

If an immigrant has been sentenced to less than two years in prison for a misdemeanor (not for felonies) and he or she do not want to serve time, the surveillance judge can order their removal as an alternative to detention, which involves immediate deportation to the border.

The application of such an alternative can be granted at the request of the immigrant him-or-herself or at the judge's discretion. Removal is issued by decree and the immigrant can challenge the decision before the surveillance court within ten

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<sup>69</sup> *Questura* is the term used in Italy to refer to an administrative office that deals with public security issues.

days of notice. The court will decide on the matter within twenty days.

Convicted immigrants that are to be deported stay in custody until the day of their removal. If they have served their time entirely though they cannot be removed.

Removal as an alternative to detention implies that the convicted immigrant will not be allowed to return to Italy for at least ten years: if they are caught back in Italy before ten years, they face imprisonment as the original conviction still stands.

### **The Strasbourg Convention on the Transfer of Sentenced Persons**

The convention was elaborated in Strasbourg on 21 March 1983 and it has been ratified by Italy in 1988: in particular, it gives foreigners convicted of a criminal offense in Italy the possibility of serving their sentences in their home countries, as long as those countries have ratified the Convention.

The conviction has to be final and it has to be imposed for a crime that both countries punish.

The time to serve in prison has to be longer than six months. Based on the Convention, Italy will refused extradition (transfer) of the foreign convict if the administering State subject prisoners to cruel, inhuman, or degrading treatment.

## **ADDICTED INMATES**

Addicted convicts in custody are not uncommon: together with foreigners serving their time in Italian prisons, they actually are the majority of inmates in Italy.

What is important to underline is that addicted inmates can benefit from special treatment while in prison, as opposed to the rest of the inmates; so we can say that even if the law in Italy is very strict when it comes to consumption and possession of drugs, even with no intent to self, addicted inmates are granted special measures.

### **The law**

Law provisions on drugs and addiction were passed in 1990 in Italy and they are now part of the Controlled Substance Act (DPR 309/90), which was partially repealed by Law n. 49 – 2006. Law 49-2006 has been spawned by a different, harsher ideological approach, which has actually lead to more severe punishments for dealers and drug users; at the same it has broaden the array of measures (including rehab) addicts can apply for.

The new law passed in 2006 has repealed all the provisions based on a classification of the controlled substances: this means that nowadays there is no distinction between “soft and hard” drugs for legal purposes.

### **Criminal punishment**

Possession of controlled substances with intent to sell is punished, as opposed to possession for personal use, and the entity of punishment will depend on the type of controlled substance and the quantity of active ingredients incorporated in the drug: usually, the punishment is from six up to twenty years in prison.

The only exception is given by the case of mitigated

possession with intent to sell falling under comma 5, article 73, which happens whenever the quantity of drug is very little or the circumstances of the sell are unclear.

The difference between possession with intent to sell and possession for personal use could be tricky and very subtle given the circumstances: under the previous law, now superseded, it was completely up to the judge to decide whether the law has been broken or not.

Under the new provisions, the judge still decides if the defendant was in possession of a controlled substance for personal use or if it was possessing it with the intent to sell: however, the ruling of the judge must take note of the legal standard provided by the law and based on the quantity of active ingredients incorporated in the confiscated drug. To be fair, this criteria was actually dismissed in 1993 when a referendum was held and citizens voted against legal standard related to active ingredients in drugs.

To sum up, the new provisions are likely to bear inequity and unfair justice results since judges are no longer allowed to take into account at their discretion mitigating circumstances, such as minimum possession of so called “soft drugs”, addiction or habitual use when dealing with a case of possession of controlled substances; possession quite always means a charge for a possession with the intent to sell and it results in a conviction most of the time.

### **Precautionary measures**

Art. 89 states that if suspects undergoing rehab therapy or willing to go to rehab are apprehended, they can lawfully be put on house arrest or community confinement: custody in jail should not be allowed by the judge as precautionary measure, as it would impair the suspect's chances to successfully undertake rehabilitation.

Furthermore, the law states that privately – held rehabilitation

facilities are equivalent to public ones, when it comes to certify one's addiction and to provide a suitable treatment. Anyway, privately - held facilities are required to meet some minimum requirements before being awarded the credentials and the license to house addicted suspects/defendants under art. 116 and 117. The runners of privately - held facilities are also required by the law to constantly update the judge on the potential violations committed by the addicted defendant when placed in community confinement or when on house arrest. If a violation that is deemed as an offense by the law is not reported, then the privately – held facility's license to treat addicted suspects will be automatically revoked.

### **Administrative sanctions**

In case one is found in possession of controlled substances that turn up to be for personal use only, an administrative sanction independent from the criminal proceedings (such as license suspension, fire arm license suspension, passport suspension) will be administered by the *Prefetto* in accordance with art. 75; this happens unless the perpetrator chooses to join a rehab program.

If a rehabilitation treatment is indeed chosen, the administrative sanction will be suspended until successful completion of the treatment is proven; upon successful completion of the therapy, the case will be dismissed.

Offenders found in possession of controlled substances for personal use with prior convictions or already on trials for offenses against property can be put in custody at the discretion of the *Questore* for public safety reasons under art. 75 bis: however, the administrative measure must be upheld by a judge since it interferes with a person's right to freedom. If the offender in custody violates the terms of his/her custodial measure, he or she will face a criminal punishment.

It is obvious at this point that the above- stated custodial

measures are issued for security concerns and they have nothing to do with the necessity of supporting the offender's personal treatment and rehabilitation, as opposed to what art. 75 states.

### **Implementation of the sentence**

Art. 94 of the Controlled Substance Act (DPR 309/90), as partially repealed by Law n. 49 – 2006 provides that addicted convicts can be admitted to alternative sentencing.

To be specific, community confinement is a very helpful alternative to detention as it can be granted to all addicted convicts whose prison term adds up to 6 years top (6 years including the residual time to serve in prison in case of a longer sentence) and who are willing to go to rehab therapy.

The fact that the surveillance judge can authorize provisional community confinement while waiting for the final ruling of the surveillance court on the matter is fairly new, and it is very helpful as it makes possible for addicted offenders to stay in care (and therefore, to be provided with a suitable treatment) while waiting for a final decision on the grant of alternative sentencing.

For more detailed information about the implementation of community confinement, see the general part about the implementation of sentences.

**PART IV. MONITORING PERFORMED BY THE  
REGIONE TRENINO ALTO ADIGE**

**AUTONOMOUS PROVINCE OF DI BOLZANO**

***HEALTH DEPARTEMENT-SUBSTANCE ABUSE  
SERVICES***

**Ser.D.** Via del Ronco 3; 0471/907070 - 0471/907065;  
sert-dfa@asbz.it;  
Monday through Thursday 9.10-13.00/ 14.00 -18.00  
Fri. 9.10 - 14.00;

**Hands** Via Duca d'Aosta 100; 0471/270924  
0471/407560; ambulatorio@hands.ines.org;  
Monday through Thursday 8.30- 12.30/14.00-18.00  
Fri. 8.30-12.30;

**PUBLIC SERVICES RUN BY THE MINISTRY OF  
JUSTICE**

**UEPE**

Ufficio Esecuzione Penale Esterna  
Via Macello 50; 0471/983052 - 0471/983086  
uepe.bolzano@giustizia.it

**USSM**

Ufficio Servizio Social Minori  
P.zza Vittoria 47; 0471/262854 - 0471/262896;  
[ussm.bolzano.dgm@giustizia.it](mailto:ussm.bolzano.dgm@giustizia.it)

## **PUBLIC SERVICES – SOCIAL SERVICES - ASSB DISTRICTS**

### **Centro Piani Rencio**

via Renon 37; 0471/324297 - 0471/329093;

[DistrettoCentro@aziendasociale.bz.it](mailto:DistrettoCentro@aziendasociale.bz.it);

Mon – Tue - Wed – Fri 8.30-12.30

Thu. 8.30-13.00/14.00-17.30

### **Don Bosco**

P.zza Don Bosco 11; 0471/501821 - 0471/934520;

[DistrettoDonBosco@aziendasociale.bz.it](mailto:DistrettoDonBosco@aziendasociale.bz.it);

Mon – Tue - Wed – Fri 8.30-12.30

Thu. 8.30-13.00/14.00-17.30

### **Europa Novacella**

via Palermo 54; 0471/502750 - 0471/502734;

[DistrettoEuropa@aziendasociale.bz.it](mailto:DistrettoEuropa@aziendasociale.bz.it);

Mon – Tue - Wed – Fri 8.30-12.30

Thu 8.30-13.00/14.00-17.30

### **Oltrisarco Aslago**

via Pietralba 10; 0471/401267 - 0471/406848;

[DistrettoOltrisarco@aziendasociale.bz.it](mailto:DistrettoOltrisarco@aziendasociale.bz.it);

Mon – Tue - Wed – Fri 8.30-12.30

Thu. 8.30-13.00/14.00-17.30

### **Gries S. Quirino**

via Amba Alagi 20; 0471/279592 - 0471/404758;

[DistrettoGries@aziendasociale.bz.it](mailto:DistrettoGries@aziendasociale.bz.it);

Mon – Tue - Wed – Fri 8.30-12.30

Thu. 8.30-13.00/14.00-17.30

## **COMUNITÀ COMPRESORIALI - LOCAL ENTITIES**



**Salto Sciliar**

Campill Center

Via Innsbruck 29 - 39100 Bolzano; 0471/970299 -  
0471/319401;

[info@ccsaltosciliar.it](mailto:info@ccsaltosciliar.it)

**Burgraviato**

Via Otto-Huber 13 - 39012 Merano; 0473/205110 -  
0473/205129

[info@bzgbga.it](mailto:info@bzgbga.it)

**Pusteria**

Via Dante 2 - 39031 Brunico; 0474/412900 - 0474/410912

[info@bzqpust.it](mailto:info@bzqpust.it)

**Oltradige – Bassa Atesina**

Via Portici 22 - 39044 Egna; 0471/826410 - 0471/812963;

[info@bzgcc.it](mailto:info@bzgcc.it); ;

**Val Venosta**

Via Principale 134 - 39028 Silandro; 0473/736800 -  
0473/736806

[info@bzqvin.it](mailto:info@bzqvin.it)

**Wipptal**

Via Stazione 1 - 39044 Vipiteno; 0472/761211 - 0472/767331

[info@wipptal.org](mailto:info@wipptal.org)

**Valle Isarco**

Vicolo Porta Sabiona 3 - 39042 Bressanone;  
0472/830997 - 0472/835507

[bzgeisacktal@gvcc.net](mailto:bzgeisacktal@gvcc.net)

## **PRIVATELY – RUN SOCIAL SERVICES: WELCOMING SERVICES**

### **PROGETTO OdòS**

Progetto OdòS is a day-care center offering guidance to convicts – former inmates – secluded convicts – defendants in custody.

It is a project run by *Caritas* (a local charity) that is aimed at building bridges between the inmates and the society.

#### **What kind of services/ projects are offered**

- Welcoming/ probation projects;
- legal and professional advice to inmates, former inmates, secluded inmates, inmates' relatives, defendants in custody;
- community services and probation as an alternative to detention in accordance with the following laws: D. Lgs. 28/08/2000 n. 274; D.M. 26/03/2001 (by UEPE recommendation); art 47.O.P. in case of community confinement.

#### **How to be part of it**

- step 1: by referral, by written referral, by informal request;
- step 2: a preliminary observation of the convict is performed by social workers (also in prison) ;
- step 3: mandatory evaluation of each request;
- step 4: creation of an individualized project related to community services performed the convict;
- step 5: monitoring of inmates on probation is performed on regular basis.

#### **Requirements**

In case of immigrants with a valid staying permit, either being a resident in the Provincia di Bolzano or having resided there

is a mandatory requirement to be admitted in the program run by Progetto Odòs.

**Contact information:**

**Address:** viale Venezia 61 a, 39100 Bolzano

**Tel** 0471 054080; **Fax** 0471 054081;

**Email:** odos@caritas.bz.it ; **website:** www.caritas.bz.it

**Opening hours:** ☐☐24 /7 all year around.

To get an appointment with the advice team, please call during the following time slots: 8.30 – 11.30 ; 15.30 – 18.00

**CASA – OZANAM – HAUS**

It is a shelter for former inmates. It is run by Südtiroler Vinzenzgemeinschaft (San Vincenzo de Paoli in Italy), with the cooperation of Coop. Sociale.

**What kind of services/ projects are offered**

Former inmates are offered shelter and they are provided with a temporary residence; however, they are required to take part in a rehabilitative project, which could involve studying or working, for as long as they are housed there in order to favor their transition to the community.

San Vincenzo's mission is to make former inmates become more responsible.

**How to be admitted**

By interview. Two voluntary workers of San Vincenzo are available at the Bolzano's correctional facility twice a week.

**Contact information:**

**Address:** Südtiroler Vinzenzgemeinschaft – Conferenza “St. Martin” – 39100 Bozen-Bolzano, Piazza Parrochia 27.

**Tel + Fax:** 0471 970086;

**Email:** vinzenzgem@rolmail.it

**Website:** www.rolbox.it/vinzenzgemeinschaft.suedtirol

**Opening hours:** ☐☐by appointment only

## **CASA ARCHE'**

It is a homeless shelter that provides emergency care for all those in need due to mental or physical disabilities or due to financial hardship.

### **What kind of services/ projects are offered**

- emergency shelter (temporary residence up to six months is offered);
- homeless shelter for those willing to take part in work and study - projects (temporary residence up to two years is offered);
- professional advice to homeless people and to their relatives, emergency care;
- cooperation with social services;
- a soup kitchen providing meals for free is available at lunch time.

### **How to be admitted**

1. by being wait-listed – by referral – by personal request;
2. admission: it involves a mandatory evaluation of each request and the creation of an individualized project of community services.

### **Contact information:**

**Address:** via IV novembre 14/16 39012 Merano

**Tel.** 0473 201361

**Email:** arche@caritas.bz.it

**Website:** [www.caritas.bz.it](http://www.caritas.bz.it)

**Opening hours:** ☐ 24/7

## **COOPERATIVE SOCIALI NOVUM ED AQUARIUS**

*Novum* and *Aquarius* are social cooperatives: they are so-called *type B cooperatives*, which means that they provide a privileged mean for the enhancement of disadvantaged people's chance to be recruited and to successfully re-enter the society.

Their goal is to develop strategies to facilitate the implementation of successful programs at local levels and to ultimately improve the workforce outcomes for ex-offenders.

Since 2011, *Novum* and *Aquarius* have come up with a special project called “*Iskra*”, which is based on their mutual cooperation and relies on a unified, cross-curricular team that is specialized in the rehabilitation of ex convicts and that is able to deal with every aspect on the matter.

All projects are designed to enhance the employability of ex convict, therefore providing former inmates with the chance to train as carpenters, mechanics repairing bicycles, cleaning crew, cleaning crew of green areas, kitchen assistants, receptionists, bartenders.

### **How to be admitted**

Social services can refer people to the above-mentioned team; then the team runs interviews in order to evaluate the chances of a successful re-entry to society; lastly, the team draws up an individualized project.

The team is required to monitor the ex convict's participation to the project.

**Contact information:**

**Address:** Equipe Iskra : c/o Coop. Novum  
via Macello, 49

**Tel.** 0471 971713 **Fax** 0471 327679

**Email:** [info@novum.it](mailto:info@novum.it)

**Website:** [www.novum.it](http://www.novum.it)

## COOPERATIVA EUREKA

The cooperativa aims at improving the life conditions of its members and non members by promoting personal fulfillment and offering work projects, with specific attention to homeless people.

The coop's projects are inspired by the principles of social solidarity: the core of all coop's projects is to give homeless people and former convicts the opportunity to work as well as providing the community with extra services.

The coop's offers training in the following fields: dry cleaning , product-assembling, gardening and house cleaning in the Bolzano area and its surroundings.

All projects are carried on in partnership with companies that offer top – quality services.

**Where you can find it**

Comune di Bolzano, Bassa Atesina, the area of Caldaro e Terlano (BZ).

**What kind of services/ projects are offered**

- gardening, grass and pruning's shearing, tree-planting;
- dry cleaning for restaurants, shelters and housing facilities;

- preparation and maintenance services for recreational areas;
- cleaning and maintenance services for gardens, parks;
- cleaning services (homes, companies, shelters);
- professional large scale - ironing

Clothes rentals, dry cleaning and ironing available; charity clothing pickups available (collection of used clothing to provide funding to charity shops).

**Contact information:**

**Address:** via Visitazione n.42, 39100 Bolzano

**Tel.** 0471 203111

**Email:** [eureka@lastrada-derweg.org](mailto:eureka@lastrada-derweg.org)

**PRIVATELY – RUN SOCIAL SERVICES:  
WORK PLACEMENT**

**COOPERATIVA LA FENICE**

It is a type B cooperativa that offers mainly 1) work placement and integration under Law. 381/01; 2) training courses;

**What kind of services/ projects are being carried on by the coop's workers**

Little construction maintenance; home painting; moving services; stage set - ups for shows; work placement for disadvantaged groups.

**How to be part of it**

By referall; once admitted to the project, the applicant can train with companies that are willing to promote training and

employment among disadvantaged workers.

**Contact information:**

**address:** via Di Mezzo ai Piani 21, 39100 Bolzano

**Tel.** 0471 981100; Michele Gangemi 340 8414388

**CLA - LAVORATORI ASSOCIATI  
(ASSOCIATED WORKERS)**

It is a type B - *Cooperativa* that produces paper products, pad and screen – printing, gadgets and flyers.

**What kind of services/ projects are offered**

Work placement for disadvantaged groups.

**How to be part of it**

by **referral** only; once admitted to the project, the applicant can train with companies that are willing to promote training and employment among disadvantaged workers.

**Contact information**

**Tel:** 0471/501297;

**Email:** [info@clabz.it](mailto:info@clabz.it)

**website:** [www.clabz.it](http://www.clabz.it)

**office hours:** ☐ 08,00-12,00 – 14,00-17,00

**INSIDE COOP. SOCIALE**

It is a *cooperativa* that offers mainly with work placement and integration.

**What kind of services/ projects are offered**



Work placement with reference to highly – specialized jobs, such as advertising design, web-design, printing and publishing services.

### **How to be part of it**

- step 1: by referral
- step 2 availability assessment;
- step 3: evaluation of each applicant's skills;
- step 4: individual project;
- step 5: constant monitoring.

### **Contact information:**

**Address:** Via maso della Pieve 2d

**Tel:** 0471 052121

**Email:** [inside@insidebz.net](mailto:inside@insidebz.net)

**Website:** [www.insidebz.net](http://www.insidebz.net)

**Opening hours:**  office hours

## **ALBATROS Sozialgenossenschaft/Cooperativa Sociale – ONLUS**

It is a type B *cooperativa* that deals mainly with work placement and integration under law. 381/01 (disadvantaged workers).

### **What kind of services/ projects are offered**

The *cooperativa* offers projects of work inclusion in different fields, such as:

Cleaning services: outdoor and indoor, floor and staircase scrubbing, window – cleaning; garage, office and special cleaning.

Gardening: lawn mowing, trimming of hedges, garden design, grave site - maintenance, green waste - recycling, plant

protection - treatments, also with herbicides, tree risk - assessment, snow removal.

Environmental awareness: implementation of environmental awareness - projects for schools, tree-climbing.

Carpentering: customized carpentering jobs, interior decorations, doors, walls, outdoor furniture, fences, assembling of furniture.

Local services: charity clothing pickups, i.e collection of used clothing to provide funding to the *Charitas* charity shop.

### **How to be part of it**

- step 1. by recommendation of the following: Ser.D, CSM, UEPE, Casa delle Donne, social districts;
- step 2. an individualized work project is developed;
- step 3. internship or traineeship is run by the *mediazione lavoro* office;
- step 4. hiring under Law. 381/91;
- step 5. subsidiary services are offered that are aimed at aiding workers in the process of getting hired (like writing a CV, job inquiries, training courses for public selections, bilingual certification and so on).

### **Requirements**

In case of immigrants with a valid staying permit, either being a resident in the Provincia di Bolzano or having resided there is a mandatory requirement to be admitted in the program, as well as not being homeless.

### **Contact information:**

**Address:** Via L. Zuegg 48, 39012 Merano

**Tel:** 0473 445135; **Fax:** 0473 209896

**Email:** [info@albatros.bz.it](mailto:info@albatros.bz.it);

**Website:** [www.albatros.bz.it](http://www.albatros.bz.it)

**Office hours:** ☐ Mon - Thu 8,30-12,30 – 14,00-17,30

## **COOPERATIVA IL PONTE - DIE BRÜCKE SOC. COOP. SOCIALE**

It is an NGO's that was opened in 1996; it offers social services, such as work placement and integration for disadvantaged groups.

### **What kind of services/ projects are carried on by the workers**

The workers can choose to be part of a cleaning service crew, of a cooking crew, or they can do some gardening for the community.

The workers are hired under the provisions of law n. 381/91 (including all those that have been granted alternative sentencing to detention).

### **How to be part of it**

- step 1. by request, by referral (social assistants, or others like educators and such);
- step 2. the applicant is interviewed beforehand by the ngo and by the potential employer;
- step 3. it involves a mandatory evaluation of each applicant' skills;
- step 4. an individualized project is drawn up;
- step 5. monitoring is carried on on regular basis by the ngo together with other offices.

### **Requirements**

To be a certified disadvantaged worker under law 381/91.

**Contact information****Address:** Via Firenze, 11/b – 39100 Bolzano**Tel:**0471 261949; **Fax:** 0471 469369**Email:** [info@ilpontebz.it](mailto:info@ilpontebz.it)**Office hours:** ☐ 8.30 – 12.00

## COOPERATIVA SOCIALE OASIS O.N.L.U.S.

It is a type *B - Cooperativa*.

### **What kind of services/ projects are offered**

The Cooperativa offers work placement and integration under law. 381/01 (disadvantaged workers) in different areas; its mission is to promote social and work inclusion of disadvantaged workers.

So far, it has been able to offer a mix of job opportunities, education and training courses.

Their job offer includes:

- gardening jobs (including green areas maintenance, road cleaning services.)
- waste recycling jobs ;
- assembling of removable furniture;
- management and supervision of the ice rink “Sill center”;
- silk and screen printing, graphic art, billboard advertising;

### **How to be part of it:**

- step 1: by referral of local services (known as “the sender” like Ser.T., Hands, UEPE, Odos, CSM, ASSB, Sil ...);
- step 2: availability check
- step 3: it involves an interview and a mandatory evaluation of each application;
- step 4: it involves the creation of an individualized project;
- step 5: monitoring is performed on regular basis jointly by Servizio-Persona-Oasis.

### **Contact information**

**Address:** Via di Mezzo ai Piani 6 – 39100 BOLZANO

**Tel:** 0471/301675 **Fax:** 0471/970049

**Email:** [info@oasis-bz.it](mailto:info@oasis-bz.it);

**Website:** [www.oasis.bz.it](http://www.oasis.bz.it)

**Office hours:** ☐☐ Mon- Thu 8.00-12.30 14.00-17.30

Fri: 8.00-14.00

## **MEBO COOP**

It is a *type B – Cooperativa* offering a cleaning service and a waste – recycling service.

### **What kind of services/ projects are offered**

Work placement and integration under law. 381/01 (disadvantaged workers).

### **How to be part of it:**

- step 1. by request, by recommendation (made by social services or by a private employer);
- step 2. an individualized work project is drawn up;
- step 3. internship or traineeship is run by the *mediazione lavoro* office;
- step 4. hiring under law. 381/91;

### **Contact information**

**Address:** via Palade 99/2, 39012 Merano

**Tel:** 348 2414466

**Email:** [emer.alberto@tin.it](mailto:emer.alberto@tin.it)

## ANGOLO VERDE

It is a type *B – Cooperativa* offering garden design as well as a maintenance service.

### **What kind of services/ projects are offered**

Work placement and integration under law. 381/01 (disadvantaged workers).

### **How to be part of it:**

- step 1. by request, by recommendation (made by social services or by private employer);
- step 2. an individualized work project is drawn up;
- step 3. internship or traineeship is run by the *mediazione lavoro* office;
- step 4. hiring under law. 381/91;

### **Contact information**

**Address:** via Galilei 2, 39100 Bolzano.

**Tel:** 335 5482325

**Email:** [angoloverde@angoloverde.com](mailto:angoloverde@angoloverde.com)

## TURANDOT COOPERATIVA SOCIALE

It is a type *B – Cooperativa* offering a wide array of services, such as: garden design and maintenance service, including hanging gardens, an ironing service, cleaning services, portorage.

**What kind of services/ projects are offered**

Work placement and integration under Law. 381/01 (disadvantaged workers).

**How to be part of it:**

- step 1. by request, by referral (made by social services or by private employer);
- step 2. an individualized work project is drawn up;
- step 3. internship or traineeship run by the *mediazione lavoro* office;
- step 4. hiring under law. 381/91;

**Contact information**

**Address:** via Speckbacher 44, 39012 Merano (BZ)

**Tel:** 0473/445629 – **Fax:** 0473/207432

**Email:** [info@turandot.eu](mailto:info@turandot.eu)

**Website:** [www.turandot.eu](http://www.turandot.eu)



## PROVINCIA AUTONOMA DI TRENTO

### PRIVATELY – RUN SOCIAL SERVICES: WELCOMING SERVICES

#### A.P.A.S.

A.P.A.S. is an acronym for *Associazione Provinciale di Aiuto Sociale*<sup>70</sup>: it is an NGO that works jointly with the *Provincia Autonoma di Trento* and cooperates with all social services (either governmental ones or privately run - ones) operating in the area.

It is on the front line of aiding and counseling inmates and former convicts: its mission is indeed broader, and it is to help all people in need for either personal, socio-cultural, family reasons or due to detention by dealing with all aspects related to incarceration. The ultimate goal is to further both social inclusion and work placement.

#### **What kind of services/ projects are offered**

- welcoming and counseling/orientation;
- weekly individual meetings held at the correctional facility in Trento;
- support to inmates' relatives;
- temporary housing if supported by an individual projects;
- training courses to get acquainted with the minimum requirements needed in order to find a job;
- traineeships for voluntary workers;
- local promotion of social services;
- entertainment and cultural activities, publication of the four- monthly magazine “*Oltre il muro*”<sup>71</sup>, web maintenance of the site [www.apastrento.it](http://www.apastrento.it);

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<sup>70</sup> Literally, Provincial Association for Social Help

<sup>71</sup> Literally, beyond the wall.

- awareness campaigns about ongoing issues related to prison life.

### **Requirements**

Apas NGO provides counseling for the following subjects:

- inmates held in the Trento correctional facility
- offenders that have been granted probation in the Trento area
- inmates that are Trento residents but that are housed in a correctional facility outside the Trento area,
- inmates' relatives
- former convicts that have been released from prison and that are Trento residents and their relatives;
- former convicts that have been released from prison but that do not reside in Trento, as long as they are facing an emergency.

### **Contact information**

**Address:** Vicolo S. M. Maddalena, 11, 38122 Trento (TN)

**Tel:** 0461 239200; **Fax:** 0461 238323

**Email:** [info@apastrento.it](mailto:info@apastrento.it)

**Website:** [www.apastrento.it](http://www.apastrento.it)

**Office hours:** Mon, Tue, Thu, Fri 8:30-12:30 – 14:30-18:00;  
Wed, Sat 8:30-12:30

## **ATAS Onlus**

ATAS Onlus is an acronym for *Associazione Trentina Accoglienza Stranieri*<sup>72</sup>: it is an NGO offering counseling services as well as providing housing for foreign citizens, jointly with the *Provincia Autonoma di Trento*, under the provisions of the provincial law n. 2 maggio 1990 n° 13.

### **What kind of services/ projects are offered**

Counseling for immigrants and foreign convicts housed in the Trento and Rovereto correctional facilities; counseling and orientation available to foreign ex convicts that are willing to apply for a staying permit and to offices or governmental bodies dealing with foreign ex convicts.

### **Contact information**

**Address:** c/o Cinformi, Via Zambra 11, 38121 Trento

**Tel:** 0461/405631; **Fax:** 0461/405699;

**Email:** michele.larentis@atas.tn.it

**Office hours:** 9.00-13.00 (Thu 9.00-15.00)

**Contact person:** Michele Larentis

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<sup>72</sup>Literally, Trentino association for the welcoming of foreigners

## PUNTO D'INCONTRO

*Punto d'Incontro* is a cooperative whose mission, according to its by-laws, “is inspired by philanthropic and humanitarian ideals; its goal is to pursue personal fulfillment and social integration on a broader level, i.e of all members and non members with specific reference to disadvantaged people, as well as promoting wellness and supporting inclusion of outsiders with all kind of endorsement”.

### **What kind of services/ projects are offered**

Welcoming services and housing:

1. day – time shelter
2. night – time shelter (only during the winter, November through April)
3. social secretariat;
4. lunch, Mon through Sat, but an interview has to be previously arranged;
5. showers;
6. wardrobe;

Workshop activities:

7. carpentering work and renovation activities, that can lead both to acquiring new skills and to a work/education grant.

### **Requirements**

8. as far as the shelter is concerned, those in need can just turn up at the shelter's main office and state that they need shelter;
9. to be admitted to the workshop, it is necessary to be recommended by the local social services, which in turn will check if requirements are met.

### **Contact information**

**Address:** via del Travai, 1, 38122, Trento  
**Tel.** 0461 984237; **Fax:** 0461 264726;  
**Email:** [direzione@puntodincontro.trento.it](mailto:direzione@puntodincontro.trento.it)  
**Office hours:** Mon through Sat 9,00-17,00

### **Welcoming**

9,00-17,00 (Mon, Tue, Wed, Fri, Sat)  
14,00-17,00 Thu  
via del Travai 5 (social secretariat), 7 (common area),  
via Esterle (wardrobe and showers)  
Tel. 0461 984237; Fax: 0461 264726  
Email: [accoglienza@puntodincontro.trento.it](mailto:accoglienza@puntodincontro.trento.it)

### **Workshop**

8,30/11.30-13,00/17,00 (Mon through Fri)  
via Maccani 150, 38121 Trento  
Tel. 0461 830208;  
Email: [laboratorio@puntodincontro.trento.it](mailto:laboratorio@puntodincontro.trento.it)

## **GRUPPO AMA**

It is a mutual help group that has chosen to name itself "*Detenuti Liberi 73*", whose members are detainees of the Trento correctional facility.

All detainees are free to join the group, if they feel like sharing/ feel the need to share their experience in prison. During the group's meetings, the members are free to share their emotions without fearing of being judged.

The group is lead by trained mediators who facilitate the interactions between the participants, which are united by the

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<sup>73</sup> Literally, free detainees

fact that they are all in custody.

### **What kind of services/ projects are offered**

The group is lead by trained mediators

### **Contact information**

**Address:** Via Torre d'Augusto, 2/1, 38122 Trento

**Tel:** 0461 239640; **Fax:** 0461 222951

**Email** [ama.trento@tin.it](mailto:ama.trento@tin.it); **Sito:** [www.automutuoaiuto.it](http://www.automutuoaiuto.it)

**Office hours:** 9.00-12.30 Mon through Fri; afternoons by appointment only.

**Contact person:** Ass. Soc. Sandra Veturelli

## **GIRASOLE**

*Cooperativa Girasole* deals mainly with problems related to social inclusion of male former convicts and disadvantaged people; it does that by offering three different types of aid:

1.the first type of aid offered is represented by the *Comunità di*

*accoglienza* where rehabilitative projects are carried on. Those projects are aimed at providing disadvantages people that are willing to put their life back on tracks and to grow on a personal level with better opportunities when looking for employment.

2.the second type of aid offered is represented by the housing project called *Casa ex Maglio*, where six apartments are available to the members; members are given the chance to test their capacity for self-determination and the skills they have learned either in rehab or during their time with local social services by living on their own.

3. lastly, a carpentering workshop is offered where antique furniture can be restored: the main goal of the workshop is to

specialize the members' skills in order to facilitate their return to the labor market and their integration into society .

**What other kind of services are offered**

- individual interviews with people that have been reported by social service;
- individual interviews aimed at highlighting the alternatives to prison available.

**Requirements**

Admission is subjected to application, which has to be filed at the offices of the *Cooperativa*; however, the application has to be upheld by UEPE and by all the offices involved in the project.

**Contact information**

**Address:** Via Flaim, 3 – 38068 Rovereto

**Tel:** 0464 438914; **Fax:** 0464 437209

**Email** [comunitagirasole@virgilio.it](mailto:comunitagirasole@virgilio.it)

**Office hours:** by appointment only

**Contact person:** Carollo Luigi, Pozza Fabiola

## **AVVOCATI PER LA SOLIDARIETA' TRENTO – ROVERETO**

It refers to a network of lawyers offering *pro bono* legal advice/full legal aid to people of no fixed abode.

The network was first born thanks to the cooperation between members of associations and social services aiding the homeless/disadvantaged people; it has been funded by the Foundation *Cassa di Risparmio di Trento e Rovereto*.

The group set up an office that is run in cooperation with volunteers and that is open once a week, where lawyers take turn in offering free legal aid to the homeless.

### **What kind of services are offered**

Free legal advice and free full legal aid to homeless people/people of no fixed abode.

### **Requirements to access free legal aid**

- no fixed abode;
- financial hardship;
- lack of a personal net of potential helpers;
- complex legal/personal issues;
- lack of possibilities to change in the short term.

### **Contact information – TRENTO branch**

**Address:** Via Travaì n. 1— 38122 TRENTO

**Tel.** 0461 984237 **Fax.** 0461 264726

**Email:** [accoglienza@puntodincontro.trento.it](mailto:accoglienza@puntodincontro.trento.it)  
[direzione@puntodincontro.trento.it](mailto:direzione@puntodincontro.trento.it)

**Website:** [www.puntodincontro.trento.it](http://www.puntodincontro.trento.it)

**Contact person:** Angelo Poletti

**Office hours:** by appointment only, Thu 14.30-16.30



**Contact information – ROVERETO branch**

**Address:** c/o CENTRO ITALIANO FEMMINILE (CIF) Via Campagnole n. 13/A – 38068 ROVERETO

**Tel.** 334 7777487

**Email:** [aps.rovereto@gmail.com](mailto:aps.rovereto@gmail.com)

**Office hours:** by appointment only, 3rd Tuesday of every month 14.30 - 16.30

**CARITAS Diocesana di Trento**

Otherwise known as *Centro Ascolto e Solidarieta' del Decanato di Trento*, it is a center that gathers all the economically and socially disadvantaged people.

In addition to that, since 2002 the volunteers of the center offer help/ counseling to those inmates that are completely alone or that are not supported by any relative at the Trento correctional facility.

**What kind of services/ projects are offered**

Clothes and toiletries available for inmates upon request.

**Contact information**

**Address:** Via Endrici, 27 Trento

**Tel.** 0461 261166; **Fax:** 0461 266176

**Email:** [s.ticchi@diocesitn.it](mailto:s.ticchi@diocesitn.it); [m.tapparelli@diocesitn.it](mailto:m.tapparelli@diocesitn.it)

**Contact person:** Ticchi Simona-Tapparelli Mariangela

## CONVENTO PADRI FRANCESCANI

It is a care center housed in the *Convento dei Padri Francescani*: it offers short - term housing to addicted/ urban marginalized people. The aim of the care center is to enhance the process of social inclusion of such people as well as to offer a rehabilitation program to addicts.

Former convicts are welcomed as well as people experiencing legal troubles while waiting to return to the community and to find a job.

### **What kind of services/ projects are offered**

The care center program revolves around a couple of steps; the main idea is that by living together, people have the share their experiences. The program might involve: a daily and mandatory meeting with tutors, taking part in the cleaning of the house facility, learning new skills related to gardening and plant-nurseries, individual meeting with visiting experts and teachers.

### **Requirements**

A written application is required prior to admission, which also needs to be supported by a personal interview of the applicant and his/her supporters. Then there is a mandatory ten day- trial period, when the rules of the community must be accepted unconditionally and they must be completely abided; social services and the applicant's relatives are to be informed on a regular basis while attending the center.

**Contact information**

**Address:** Via A. Diaz, 3, 38023, Cles

**Tel:** 0464 421147

**Email:**fraticles@pcn.net

**VOCE AMICA**

The *Comunità di Accoglienza* is a co-ed center where 17 spots are available specifically for offenders in remand and in need of recovery from addiction; the co-ed center serves as an alternative measure to jail where addicted offenders can be treated .

**What kind of program is offered**

A rehab program for people suffering from substance - abuse.

**Requirements**

Addiction to classified substances.

**Contact information**

**Address:** Via Giardini n. 34 - 38060, Villa Lagarina

**Tel:** 0464 413736 ; **Fax:** 0464 499287;

**Mail** voceamicatn@libero.it

**Contact person:** Carlo Bruno

## PUNTO D'APPRODO

*Punto d'Approdo* is a cooperative/ NGO offering shelter and serving as a day – care center for solo women and women with child(ren) who are experiencing temporary difficulties due to personal and domestic problems and who are therefore in need of specialist support to overcome those adversities.

Staying at the cooperative is also an alternative measure to detention, as long as the personal condition of the female applicant is compatible with the nature of the services provided by the cooperative itself.

### **What kind of services/ projects are offered**

- temporary shelter for solo women;
- temporary shelter for women with child(ren);
- shelter home for trafficked women;
- a workshop where the residents can test their newly acquired - employability skills.

### **Requirements**

- to be highly - motivated women to improve their life conditions;
- if needed, to be willing to cooperate with social services, such Sert, local psychiatric wards, psychologists, alcoholology centers, UEPE;
- to be aware that the shelter is only a temporary housing solution (usually, up to three years);
- to be sufficiently autonomous women that are able to take care of themselves and of the place they live in;
- to be able to share experiences and to be able to live together with other women.

### **Contact information**

**Address:** Via Valbusa Grande, 48

**Tel:** 0464 422049 ; **Fax:** 0464 422059;

**Email:** [puntodapprodo@virgilio.it](mailto:puntodapprodo@virgilio.it)

**Website:** [www.puntodapprodo.it](http://www.puntodapprodo.it)

**Contact person:** the director for general inquiries (A.S. Giuseppe Piamarta); executive officers for application to rehabilitation programs.

## **CAMPARTA**

*Comunità Terapeutica di Camparta* is a rehab center for people suffering from substance abuse.

The center's approach is based largely on psychotherapy and psychoanalysis: specifically, emphatic relationships are built with patients (also by supporting personal contribution), which can lead to the siding of the fragile and weak Ego of addicts with a therapeutic, reassuring and more reliable Ego.

### **What kind of services are offered**

- on Sert's referral, the center welcomes all addicts that are willing and highly-motivated to start over;
- a limited number of spots is reserved for addicted offender that are on probation and that are required to fulfill a non-custodial sentence by taking part in a rehab project.

### **Requirements**

The rehab center is included in the *albo degli enti ausiliari* (record of auxiliary centers), therefore it cooperates with the *Azienda Provinciale per i servizi Sanitari*.

**Contact information**

**Address:** Fraz. Meano, loc. Camparta Alta, Via delle Case Nove 43, 38040, Trento

**Tel:** 0461 991351; **Fax:** 0461 991351

**Office hours: every day**

**Contact person:** dott. Valerio Costa

## VILLA SANT'IGNAZIO

*Villa S. Ignazio* is a cooperative whose mission is inspired by philanthropic ideals such as solidarity; it is a shelter for young people as well as adults who are facing difficulties due to personal and domestic problems.

Specifically, the two projects named “*ospitalità*” and “*accoglienza sociale*”<sup>74</sup> are offered to offenders and ex convicts. The first project offers shelter to young people and adults in the short term, whereas the second one aims at offering shelter to young people and adults in the long term, also by siding that with education and training to assure independent living.

### **What kind of services/ projects are offered**

The cooperative offers shelter and a soup kitchen; ex-convicts and offender can sign up as well.

In addition to the above - mentioned services, the coop offers educational training run by social services, volunteers and educational professionals.

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<sup>74</sup> Literally, hospitality and social welcoming

**Contact information**

**Address:** Via delle Laste 22, Trento

**Tel:** 0461 238720; **Fax:** 0461 236353;

**Email:** ospitalita@vsi.it;

**Website:** www.coop.vsi.it

**Opening hours – living area:** 24/7

**Office hours - welcoming:** 9-12 15-18

**SCUOLA PRIMARIA E SCUOLA SECONDARIA  
TRENTO5**

*Centro per l'Educazione degli Adulti* is part of the *Istituto comprensivo "Trento 5"* and it organizes the educational activities held at the correctional facility in Trento.

**What kind of services/ projects are offered**

The center offers basic education training for the inmates, including: literacy teaching, language classes (Italian), computer learning, science and art classes, film viewing and discussion, plus an annual course (September till May) that comes with a final exam to graduate.

**Requirements**

All classes are open and available for enrollment, with the only exception of the annual course that is only for inmates that are proficient in Italian.

**Contact information**

**Address:** Istituto comprensivo "Trento 5", Piazza Raffaello Sanzio 13, Trento

**PRIVATELY – RUN SOCIAL SERVICES:**

## WORK PLACEMENT

### IL GABBIANO

*Il Gabbiano* is a cooperative that offers work placement to disadvantaged people in accordance with law n. 381/1991; it is therefore a so-called “type B” cooperative, where both working members and volunteers are employed..

*Il Gabbiano* was born in December, 1987: since then and in accordance with its own statute, the cooperative has been able to find a suitable employment to more than 215 people, most of which were deemed as disadvantaged **due to their troubles with the law** (which lead to imprisonment or to alternative sentencing to imprisonment).

**What kind of services/ projects are offered**  
job placement.

#### **Contact information**

**Address** Via Provina, 20, 38123 Ravina (Tn)

**Tel:** 0461 343501; **Fax:** 0461 343600;

**Email:** [il\\_gabbiano@consolida.it](mailto:il_gabbiano@consolida.it);

**Website:** [www.ilgabbianotrento.coop](http://www.ilgabbianotrento.coop)

**Office hours:** Mon through Fri 7,45 – 17,30

**Contact person:** Sandro Nardelli



## **JOB'S COOP SOCIETA' COOPERATIVA AREE VERDI – GIARDINAGGIO**

*Job's Coop* is a so-called manufacturing and employment cooperative<sup>75</sup>.

Teams doing community service are also available in accordance with provision 19 of the unemployment register. They work in the so-called *C10* area.

Recruitment is provided through the job seekers' list of the Rovereto's placement office.

### **Contact information**

**Address:** Via Terranera, 75/77, 38065, Mori (TN)

**Tel:** 0464 919191 ; **Fax:** 0464 919100;

**Email** [cornelio@jobscoop.it](mailto:cornelio@jobscoop.it)

## **LAVORI IN CORSO**

*Cooperativa Lavori in Corso* offers both job placement and recruitment to disadvantaged people: firstly, it offers disadvantaged people the chance to join the workforce by working for companies where they can hone their employability skills for future reference; lastly, the cooperative offers in-house employment to those members whose skills have been deemed as insufficient by the labor market .

### **What kind of services/ projects are offered**

Individual job placement is offered in accordance with the provisions of the *Piano provinciale degli interventi di politica del lavoro* (for instance, *Azione 9, azione 10 and so on*); day care - center and workshops available as well.

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<sup>75</sup> Literally, *Cooperativa di produzione al lavoro* (producer and worker cooperative).

## **Requirements**

Requirements are provided under the *Piano provinciale degli interventi di politica del lavoro*.

## **Contact information**

**Address:** Via S. Cipriano, 26, 38087 Roncone (Tn)

**Tel:** 0465 900061; **Fax:** 0465 900242;

**Email** info@lavoriincorso.tn.it

**Office hours:** Mon - Fri 8:30-12:30 and 14:00-18:00

**Contact person:** Licia Busatti (director ed social manager)  
Nicola Lombardi (social manager)

## **PADRI FRANCESCANI DI CLES**

*Comunità di Accoglienza residenziale del Convento di S. Antonio dei Padri Francescani di Cles* offers temporary shelter to disadvantaged and marginalized people, also suffering from substance abuse; offenders that have been granted alternative sentencing to imprisonment are welcomed as well.

The center's mission is to favor marginalized people's chances to successfully re-enter the community also by offering educational paths/pathways through which the residents can learn from the disadaptive dynamics of their previous life experiences and they can erase/substitute the above-mentioned dynamics with a healthier, more functional approach.

## **What kind of services/ training is offered**

The services offered by the center revolve around the idea of sharing experiences, which is something that is favored by the fact that the residents have to live together and they share everyday life. That way, residents can grow and learn by confronting and helping each other as well as by overcoming difficulties together.

Every morning a meeting run by the volunteers takes place, where all problems (either personal problems or practical ones) can be dealt with.

Individual sessions with counselors (whether in - house ones or not) are offered as well.

## **Requirements**

By referral of Trento social services, but with the understanding that the applicant will be required to take actual part in the educational training offered.

The applicant is later interviewed by the coop staff, alone and/ or together with his or her relatives and the staff of the social services: this is a necessary step in order to gather some basic information on the applicant and to get mutually acquainted.

Once admitted to the center, the resident still undergoes a trial period of about 3-4 weeks that is necessary for both the resident and the coop staff to understand if the resident is motivated enough to endure the educational training offered.

After the trial period, a meeting is set up in cooperation with social services; then the training continues for as long as it has been agreed upon.

## Contact information

**Address** via A. Diaz, 3, 38023, Cles

**Tel:** 331/7160001 - 0463/421147,

**Email:** [fraticles@pcn.net](mailto:fraticles@pcn.net)

## VENATURE S.C.S

*Venature società cooperativa sociale* is a cooperative born in 2009 as a spin off of *Le Coste cooperativa sociale di solidarietà*.

*Venature* is a not-for-profit cooperative/ social enterprise that aims at aiding female disadvantaged workers by hiring them and by guaranteeing a woman-friendly/ protected workplace.

Disadvantaged women with special needs can work in team, where they can learn new skills, getting experienced and become more responsible.

*Venature* offers a dry – cleaning and professional ironing service, a wardrobe service, a linen rental service (bed-linen, table clothes and so on) and a clean-up service; apart from the last one (that is available only to some *RSA*), all services are available both to individuals and companies.

Since 2012 *Venature* manages the dry cleaning service at the correctional facility in Trento as well, therefore providing inmates with job opportunities in the field.

Lastly, *Venature* offers a work placement service in cooperation with social services, including specialized social services (such as *Centro di Salute Mentale, Servizio Alcolologia, Servizio Tossicodipendenze, Uffici di Esecuzione Penale Esterna*), with the correctional facility in Trento and finally with the *Agenzia del Lavoro di Trento*.

As of 31/12/2012 , the coop employs 76 people.

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**Pec:** venature@pec.cooperazionetrentina.it

**Contact person:** Domenico Zalla

## **SAMUELE SOCIETÀ COOPERATIVA SOCIALE**

*Cooperativa Sociale Samuele* offers training and educational programs to marginalized/ disadvantaged workers that somehow have been excluded from the labor force; its aim is to provide disadvantaged workers with new employability skills.

Thanks to workshops and thanks to the individualized approach the volunteers has adopted, it has been possible to provide disadvantaged workers with new skills while taking into account each one's specific interest; at the end of the training, the workers are likely to show a regained confidence in their ability to perform specific tasks.

*Cooperativa Samuele* offer two different type of training;

- the first one is offered in cooperation with the workshops called *Laboratori Occupazionali di tipo semi-residenziale* and offered in accordance with L.P.14/91, also known as “*Centro di socializzazione al lavoro*” (1.9) and “*Laboratorio per l’acquisizione dei prerequisiti lavorativi per adulti*” (2.4).

The above - mentioned workshops aim at specializing the workers by teaching them new skills while appraising the ones they already have: the ultimate goal is to make the workers realize that they can make it.

- in addition to EU - funded projects (*European Social Fund*), educational projects are held by the coop; their aim is to

enhance the skills and the knowledge workers already have, while teaching them to focus on their work and to commit to it.

Who can take part in the aforesaid training/ educational projects:

- minors and young people that dropped out of school early or that are facing difficulties at school that either need to understand how the labor market works or that need to have a real work experience, so that they can figure out what it is that they would like do with their lives and what they can do best.

- adults suffering from mild disabilities (either physical, mental or learning ones) that need to develop a specific work project while needing to gain some confidence (also by raising their self esteem) as well as needing to find resources to implement that project (including learning a method or new skills) ;

- adults suffering from disabilities that need to keep their knowledge up-to-date, even if they are not planning to rejoin the workforce in the short term, in order to gain some independence and to feel better;

- immigrants/ foreigners who need to rethink their professional career with reference to the local labor market, either by adjusting their professional background to the local demand, by changing their attitude or by improving their language skills and their fluency;

- disadvantaged or marginalized people (like addicts that are undergoing treatment, offenders that have been granted alternative measures to imprisonment, ex-convicts or people at lower level of social integration).

### **What kind of projects are offered**

- A day center where training through workshop sessions is available in the following fields: paper processing industry, leather finishing, catering, tailoring/trading, gardening;
- educational projects like those funded by the EU for people with disabilities or for the disadvantaged.

### **Requirements**

A referral by the social services is necessary for the training.. For the EU - funded projects, requirements may vary from project to project.

For further and more detailed information, please get in touch with the cooperative's contact person.

### **Contact information**

**Address:** Via alle Laste, 22 - Trento

**Tel.** 0461-230888 **Fax** 0461-260820

**Website:** <http://samuele.vsi.it>

**Email:** [educa@coopsamuele.it](mailto:educa@coopsamuele.it)

**Contact person:** dott.ssa Elena Pivotto

## **LA SFERA**

*La Sfera* is a type B – cooperative that offers work placement to vulnerable and marginalized workers that, with the help of local services, are currently trying to solve the issues that lead them to become marginalized workforce.

Those workers can be hired only if they come up a specific project that is be implemented in cooperation with social services (*Servizio sociale, Ser.T., Serv. Alcolologia, UEPE, Centro di Salute Mentale, Agenzia del Lavoro*).

**Services provided:**

- cleaning services and sanitizing of government buildings, offices, residential buildings (condos and so on) for private and public clients;
- creation, up-keeping and management of green areas, woodland areas, rural and sport areas; gardening services and environmental remediation;
- keeping and cleaning of sports facilities;
- community service.

Those works are usually commissioned by PAT, the Municipality of Trento, Aldeno, Mezzolombardo, Volano, Pomarolo, Albiano, Mori and Sover, ASIS, public schools, ITEA and other private contractors.

**Contact information**

**Address:** via Lung'Adige San Nicolò, 12 – 38122 Trento

**Tel:** 0461 983488 – **fax :** 0461 261976;

**Email:** [info@lasfera.org](mailto:info@lasfera.org)

**Website:** [www.lasfera.org](http://www.lasfera.org)

**A.L.P.I**

*Avviamento al Lavoro su Progetti Individualizzati Società Cooperativa Sociale* is a type B cooperative.

It promotes training and work placement for young people that are undertaking a therapeutic path at the *centri di salute mentale*<sup>76</sup> of the Province of Trento.

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<sup>76</sup> Literally, mental health centers



Training involves three steps:

- orientation to work managed through scholarship (*contratti di borsa lavoro*) or traineeship (for students);
- placement for executive roles through employment (permanent contracts in accordance with *Intervento 18 of the agenzia del Lavoro*);
- post employment orientation for all those that have been hired as above or for all the companies that have hired a young person under the provisions stated above.

Referral by social services, educational services and employment agencies (*Centri per l'Impiego*) is needed to be admitted to the training.

Training is available in the following fields: manufactory, assembling and packaging of products and semi-finished products for private customers and as commissioned by contractors. Textile manufacturing is also available.

### **Contact information**

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**Tel.** 0461 914967 **Fax.** 0461 397364

**Email:** [alpi@consolida.it](mailto:alpi@consolida.it)

**Website:** [www.coop-alpi.it](http://www.coop-alpi.it)

**Office hours:** Mon - Thu 8.00 – 12.00, 13.00-17.00

Fri 8.00-12.00 , 13.00- 15.00

**Contact person:** Grazia Fait

## L'OASI S.O.S LAVORO

*L'Oasi* is a type B – cooperative whose aim, in accordance with law 8 *novembre* 1991 n. 381, is to pursue the greater good and benefit the community.

The coop runs different activities (agricultural, industrial, commercial ones as well as offering services); the coop's mission is to promote solidarity among the community and to nurture everyone' s potential in order to ultimately improve everyone's life.

To reach the aforementioned goals, the cooperative offers job placement in the *Val dei Laghi* area to disadvantaged/marginalized workers that either suffers from disabilities or that have been referred there by the local social services; the coop offers individualized projects/training in order to kickstart the workers' potential and in order to provide them with new employability skills that will help them to re-join the workforce.

### **What kind of services/ projects are offered**

Work placement (gardening, cleaning services) through action 9/ *azione 9*.

Individualized training/ projects in cooperation with social services and the approval of the *Agenzia del Lavoro* di Trento.

### **Requirements**

- Italian or EU citizenship;
- referral by social services (*Servizi Sociali; Centro Salute Mentale; Carcere; Ser.T; Alcologia...*);
- training and projects are available to workers suffering from disabilities (either physical, mental or learning ones), to former asylum patients, to asylum patients that are still being treated, to workers suffering from substance and alcohol – abuse, minors that could be employed but that are facing

difficulties at home, offenders that have been granted alternative measures under articles 47, 47-bis, 47-ter e 48 of the law 26 luglio 1975, n. 354.

**Contact information**

**Address:** V.le S. Pietro 8/b – 38076 Lasino

**Tel :** 0461 864708 ; **Fax :** 0461 340633

**Email:** info@oasivalledeilaghi.com

**Office hours:** Mon – Fri 8.00-12.00 14.00-18.00

**Contact person:** Ass. Soc. Lutterotti Arianna

**PROVINCIA AUTONOMA DI TRENTO  
PUBLIC SERVICES RUN BY THE MINISTRY OF JUSTICE**

**UEPE Ufficio Esecuzione Penale Esterna**

**Address:** Via Vannetti 13, c/o palazzo Uffici

**Tel.** 0461 230261 0461 234572 **Fax.** 0461/263633

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**Office hours:** Mon – Fri 9.00-13.00 Sat 9.00-12.00

**USSM Ufficio Servizio Sociale Minori**

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**Tel.** 0461 984261 **Fax.** 0461 232501

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**Office hours:** Mon – Wed - Fri 8.00-14.00 Tu - Thu 8.00-17.30

**Tribunale Ordinario di Trento**

**Address:** Largo Pigarelli 1, Trento

**Tel.** 0461 200111 **Fax.** 0461 200405

**Email:** tribunale.trento@giustizia.it

**HEALTH DEPARTEMENT-SUBSTANCE ABUSE SERVICES**

**Ser.D. Servizio Dipendenze**

**Address:** via Gocciadoro 47/49 Trento

**Tel.** 0461 364777

**Email:** raffaele.lovaste@apss.tn.it

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**Servizio Alcologia**

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**Email:** [alcologiatn@apss.tn.it](mailto:alcologiatn@apss.tn.it)  
**Office hours:** Mon - Fri 8.30-10.30

## **SOCIAL SERVICES**

### **Comune di Trento Servizio Attività Sociali**

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Wed - Fri 8.30-12.00

Thu 8.00-16.00



**May  
2013**



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